

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

DAFINKA STOJCEVSKI, as Personal
Representative of the Estate of DAVID
STOJCEVSKI, Deceased,

Plaintiff,

v.

Case No. 15-cv-11019

Hon. Linda V. Parker

Mag. Judge David R. Grand

COUNTY OF MACOMB, et al.,

Defendants.

IHRIE O'BRIEN

Robert D. Ihrie (P26451)

Harold A. Perakis (P35921)

Attorneys for Plaintiff

24055 Jefferson Avenue, Suite 2000

St. Clair Shores, MI 48080

(586) 778-7778

ihrieobrien@aol.com

hperakis@ihrieobrienlaw.com

MACOMB COUNTY

CORPORATION COUNSEL

John A. Schapka (P36731)

Robert S. Gazall (P41350)

Attorneys for Macomb County

Defendants

One S. Main Street, 8th Floor

Mount Clemens, MI 48043

(586) 469-6346

john.schapka@macombgov.org

robert.gazall@macombgov.org

CHAPMAN LAW GROUP

Ronald W. Chapman Sr., M.P.A.,

LL.M. (P37603)

Madeline Young (P82140)

Attorneys for Correct Care Solutions

Defendants

1441 West Long Lake Rd., Suite 310

Troy, MI 48098

(248) 644-6326

rchapman@chapmanlawgroup.com

myoung@chapmanlawgroup.com

Wilson Elser Moskowitz Edelman &
Dicker, LLP

John T. Eads, III (P43815)

Cara M. Swindlehurst (P79953)

Co-Counsel for Macomb County

Defendants

17197 N. Laurel Park Dr., Suite 201

Livonia, MI 48152

(313) 327-3100

John.Eads@wilsonelser.com

Cara.Swindlehurst@wilsonelser.com

DEFENDANTS CORRECT CARE SOLUTIONS, L.L.C.; MONICA CUENY; CHANTALLE BROCK; MICAL BEY-SHELLY; VICKY BERTRAM; AND LAWRENCE SHERMAN, M.D.'S MOTION TO PRECLUDE PLAINTIFF FROM ELICITING EXPERT TESTIMONY FROM PLAINTIFF'S EXPERT ROBERT GREIFINGER, M.D.

EXHIBIT B Deposition Transcript of Robert B. Greifinger, M.D. dated April 4, 2018

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 1-4

<p>Page 1</p> <p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MICHIGAN 3 -----X 4 DAFINKA STOJCEVSKI, Individually, and as Personal 5 Representative of the Estate of DAVID STOJCEVSKI, 6 Deceased, 7 8 Plaintiffs, 9 -against- 10 COUNTY OF MACOMB, et al., 11 Defendants. 12 -----X 13 14 90 Broad Street 15 New York, New York 16 17 April 4, 2018 18 9:00 A.M. 19 20 EXAMINATION BEFORE TRIAL, of the 21 Expert Witness, ROBERT GREIFINGER, M.D., held at the 22 above time and place, pursuant to Order, taken 23 before Shea Sorensen, a Court Reporter and Notary 24 Public of the State of New York. 25</p>	<p>Page 3</p> <p>1 ROBERT GREIFINGER, M.D., the expert witness, having 2 been first duly sworn in by a Notary Public of the 3 State of New York, was examined and testified as 4 follows: 5 EXAMINATION BY 6 MR. CHAPMAN. 7 Q Would you please state your name for 8 the record? 9 A Dr. Robert Greifinger. 10 Q What is your present address? 11 A 380 Riverside Drive, New York, New York 12 10025. 13 MR. CHAPMAN: Dr. Greifinger, 14 before we get going, let the record 15 reflect I am handing you a check for 16 \$4,000.00. 17 THE WITNESS: Thank you very much. 18 MR. CHAPMAN: Thank you for 19 letting me bring it. 20 Dr. Greifinger, My name is, Ron 21 Chapman, and I represent all of the 22 medical mental health defendants in this 23 case. 24 I do not represent any of the 25 deputies of Macomb County. Those are</p>
<p>Page 2</p> <p>1 APPEARANCES: 2 3 IHRIE O'BRIEN 4 Attorneys for Plaintiff. 5 24055 Jefferson Avenue - Suite 2000 6 St. Clair Shores, MI 48080 7 8 BY: HAROLD A. PERAKIS, ESQ. 9 Hperakis@ihrieobrienlaw.com 10 11 LAW OFFICE OF ROBERT S. GAZALL 12 Attorneys for Defendants, Macomb County 13 Corporation Counsel, Macomb County. 14 One S. Main Street - 8th Floor 15 Mount Clemens, MI 48043 16 17 BY: ROBERT GAZALL, ESQ. 18 Robert.gazall@macombgov.org 19 20 CHAPMAN LAW GROUP 21 Attorneys for Defendant, Correct Care 22 Solutions. 23 1441 West Long Lake Rd., Ste. 310 24 Troy, Michigan 48098 25 26 BY: RONALD W. CHAPMAN, SR., M.P.A. 27 LL.M. 28 RChapman@ChapmanLawGroup.com 29 30 WILSON ELSEER MOSKOWITZ EDELMAN & 31 DICKER, LLP 32 Co-Counsel for Defendants County of 33 Macomb, Sheriff Wickersham and Michelle 34 Sanborn. 35 17197 N. Laurel Park Dr., Suite 201 36 Livonia, MI 48152 37 BY: CARA M. SWINDLEHURST, ESQ.</p>	<p>Page 4</p> <p>1 represented by other counsel, that are 2 here, okay. 3 I am going to be asking a series 4 of questions. You have given your 5 deposition, I don't know how many times 6 before. 7 If you don't understand the 8 question that I ask, stop me and ask me 9 to repeat the question. If you don't 10 answer, later on when the transcript is 11 read or looked at, I will assume the 12 ordinary meaning of my question and the 13 ordinary meaning of your answer, fair 14 enough? 15 THE WITNESS: Yes. 16 MR. CHAPMAN: I am not a doctor. 17 If I misstate a medical term or 18 something, please clarify me on that. 19 If I use a medical term that doesn't 20 make any sense for the question, call me 21 on it and we will try to correct the 22 question, fair enough? 23 THE WITNESS: Yes. 24 MR. CHAPMAN: I don't think you 25 are actively practicing, so you don't</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 5–8

<p style="text-align: right;">Page 5</p> <p>1 have the problem of other doctors do, 2 answering the phone and taking messages 3 and things? 4 THE WITNESS: Correct. 5 MR. CHAPMAN: If you need to take 6 a break for any reason, go to the 7 bathroom, phone a friend talk to 8 anybody, you may do that. My only 9 requirement is you have to answer the 10 question that is on the table, then we 11 can take a break and move on. 12 Sometimes, I would like a little 13 bit of forewarning, because I might have 14 a line of question; 2, or 3 questions. 15 Since, you don't have counsel here, and 16 there is no attorney client privilege to 17 anything, if you do talk to anybody, I 18 will ask you, more likely than not, when 19 you come back, who did you talk to, what 20 did you talk to. I don't care about 21 friends and relatives. I actually care 22 about talking to Mr. Perakis, and I want 23 to know what you and he talked about and 24 then you are obligated to answer those 25 questions.</p>	<p style="text-align: right;">Page 7</p> <p>1 time? 2 A I was licensed there, yes. 3 When I was engaged by the Pennsylvania 4 Department of Corrections, as a consultant it 5 required me to have a license. 6 Q Were you, did you apply for a license 7 in any other areas any other states, other than 8 those two states? 9 A I have been licensed in Illinois, 1972 10 to 1974. Sometime, in that time. 11 Q That is inactive as well? 12 A That is not. 13 Q Just don't have it? 14 A Just don't have it anymore. I was 15 licensed in Connecticut for a brief time, in the 16 '19 in the early 1980's. 17 Q Have you ever applied for a state 18 license and were denied? 19 A No. 20 Q To the best of your knowledge, have you 21 ever been investigated, by a licensing board? 22 A Not, to my knowledge. 23 Q So I assume the next question is no, 24 correct you have never been disciplined? 25 A Correct.</p>
<p style="text-align: right;">Page 6</p> <p>1 One other ground rule, that I 2 would like, not obligatory, but if the 3 question calls for a yes, no, I would 4 prefer a yes or no then an explanation, 5 if you need it. 6 If you can't answer a question 7 yes or no, just say I can't answer, yes, 8 no and we will move on, and do what we 9 have to do. 10 Q Is it true you have not performed hands 11 on medical treatment to any adult patient, since 12 1985? 13 A Yes. 14 Q You were first licensed to practice 15 medicine in 1972, if I read your CV correctly, 16 right after you graduated from medical school? 17 A Yes, soon after I graduated in '71. 18 Q What states were you, I guess initially 19 licensed in? 20 I know your CV says New York, and I 21 believe Pennsylvania? 22 A I was initially licensed in New York 23 and I have been licensed initially in New York. My 24 Pennsylvania license is inactive. 25 Q But you were licensed there at one</p>	<p style="text-align: right;">Page 8</p> <p>1 Q Which would be represented by a letter 2 of consent anything of that nature? 3 A Correct. 4 Q Did you complete medical school in 5 1971? 6 A Yes. 7 Q Shortly after that, you entered a 8 pediatric residency program? 9 A Pediatrics and social medicine, 10 combined residency. 11 Q How do you define, pediatric? 12 A It is a medical care for children and 13 adolescence. 14 Q Is there an age a typical age perimeter 15 that children's easy to whatever, what about 16 adolescent, how do you define that? 17 A It is prepped up over the years. 18 It was roughly 20, 21, back in the days 19 I was practicing. 20 Q So you would treat people from 0 to 21? 21 A Generally, yes. 22 Q Were the majority of your patients 23 though in pediatrics, children 8, 9 school age 24 coming in for physicals and colds and flus, and 25 broken bones and what ever else kids have?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 9–12

<p style="text-align: right;">Page 9</p> <p>1 A Yes.</p> <p>2 Q Completed your residency program in</p> <p>3 1976?</p> <p>4 A Yes.</p> <p>5 Q You would say you were also in social</p> <p>6 medicine, I tried to find a definition of social</p> <p>7 medicine. I couldn't find one.</p> <p>8 Is that a recognized subspecialty, by</p> <p>9 the American Board of Subspecialities?</p> <p>10 A No, it is, I have been looking for a</p> <p>11 definition too, since 1970.</p> <p>12 It is a county health, public health,</p> <p>13 epidemiology population based health care, it is</p> <p>14 all those things and in some places, it is called</p> <p>15 community health. Other places, public health. It</p> <p>16 is a little variant on those.</p> <p>17 Q Were you board certified in social</p> <p>18 medicine?</p> <p>19 A There is no board.</p> <p>20 Q There is a board for example</p> <p>21 epidemiology.</p> <p>22 A No, that is not correct.</p> <p>23 Q You completed your residency in 1976.</p> <p>24 Did you become board certified at some time after</p> <p>25 your residency?</p>	<p style="text-align: right;">Page 11</p> <p>1 substance abuse withdrawal issues such as</p> <p>2 benzodiazepine or cocaine withdrawal?</p> <p>3 A I did during my residency. I had</p> <p>4 several rotations, at the Spofford Juvenile</p> <p>5 Detention Center, and the adolescent unit on Rikers</p> <p>6 Island.</p> <p>7 Q The rotation is for how long?</p> <p>8 A There were month long rotations.</p> <p>9 Q How many rotations, did you have</p> <p>10 through either Rikers Island or the other?</p> <p>11 A Approximately, three.</p> <p>12 Q You would have spent approximately</p> <p>13 three months combined in those rotations in those</p> <p>14 institutions?</p> <p>15 A Yes.</p> <p>16 Q During that three month period, how</p> <p>17 many pediatric patients did you treat that were</p> <p>18 going through withdrawals of benzodiazepine or</p> <p>19 cocaine, if you recall?</p> <p>20 A I have no idea.</p> <p>21 Q Since only there for three months, you</p> <p>22 would agree with me it is a finite number?</p> <p>23 A Always a finite numbers.</p> <p>24 Q Agree with me be very small finite</p> <p>25 number?</p>
<p style="text-align: right;">Page 10</p> <p>1 A Yes.</p> <p>2 Q When did you become board certified?</p> <p>3 A As soon as I was eligible. That is on</p> <p>4 my resume, if I can refer to it.</p> <p>5 Q Do you have a copy of your report, your</p> <p>6 resume is attached to your report?</p> <p>7 MR. PERAKIS: I don't have his</p> <p>8 resume.</p> <p>9 A As soon as I was eligible.</p> <p>10 Q You remained, board certified in</p> <p>11 pediatrics until when?</p> <p>12 A Forever.</p> <p>13 Q That is because you were grandfathered</p> <p>14 in, you are not required to take any retesting?</p> <p>15 A That is correct.</p> <p>16 Q When is the last time you actually</p> <p>17 treated a pediatric patient?</p> <p>18 A 1985.</p> <p>19 Q Even though you are board certified</p> <p>20 today in pediatrics, 15, 23 years later, you</p> <p>21 probably wouldn't venture to hold yourself out as a</p> <p>22 pediatrician treating pediatrics would you?</p> <p>23 A Not, without some reeducation.</p> <p>24 Q During your pediatric residency, did</p> <p>25 you treat pediatric patients that were experiencing</p>	<p style="text-align: right;">Page 12</p> <p>1 A Likely, yes.</p> <p>2 MR. CHAPMAN: Do you recall, and</p> <p>3 I don't want you to guess, and that is</p> <p>4 one of the admonitions I probably would</p> <p>5 have given to you.</p> <p>6 The only thing I am interested</p> <p>7 today is what you know, because you read</p> <p>8 it, you saw it you touched it you smelt</p> <p>9 it, somebody told it to you; I don't</p> <p>10 want you to speculate onto anything.</p> <p>11 If you don't know the easiest way to</p> <p>12 answer a question say I don't know, I</p> <p>13 don't recall, and move on.</p> <p>14 Q So can you specifically in your mind</p> <p>15 recall treating anybody that was going through</p> <p>16 cocaine withdrawal, during that time period?</p> <p>17 A No.</p> <p>18 Q Can you specifically recall treating</p> <p>19 anybody that was going through benzodiazepine</p> <p>20 withdrawal, during that time period?</p> <p>21 A No.</p> <p>22 Q How about alcohol withdrawal during</p> <p>23 that time period?</p> <p>24 A No.</p> <p>25 Q During your pediatric residency, or</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 13–16

<p style="text-align: right;">Page 13</p> <p>1 after your residency during a period that you were 2 board certified in pediatrics, did you diagnose or 3 treat any pediatric patient who suffered from 4 catatonia? 5 A No, I did not. 6 Q Your work in pediatrics from 1976 until 7 1985, is it detailed in your resume, in your CV? 8 A Yes. 9 Q Did you ever apply for or attend a 10 neurological residency program? 11 A No. 12 Q Did you ever apply for or attend a 13 psychiatry residency program? 14 A No. 15 Q Ever apply for or attend an internal 16 residency program? 17 A No. 18 Q From 1977 through 1980 your resume 19 seems to indicate you practiced clinical pediatrics 20 at a community HMO, at Community Health Plan of 21 Suffolk? 22 A Yes. 23 Q What is that clinic? 24 A It was a multi-speciality group 25 practice, established under the HMO act of 1973, to</p>	<p style="text-align: right;">Page 15</p> <p>1 Q Watching the budget, I would assume 2 economic? 3 A Yes. 4 Q Didn't, what I am trying to get to, 5 sometimes I can beat a dead horse really good. 6 Even though, you were the medical 7 director it did not change the structure of the 8 practice of medicine that you performed. 9 You still practiced pediatrics? 10 A Correct. 11 Q From 1980 to 1985 your resume says you 12 worked as chief medical officer COO, of an HMO in 13 White Plains, New York. 14 Was the COO an administrative title, I 15 am assuming that means chief operating officer? 16 A I don't recall that. 17 Q Let me show you a copy of your resume. 18 Was in Westchester Community Health Plan? 19 A Yes, I worked at Westchester Community 20 Health Plan as chief medical officer. I don't 21 remember. 22 Q I am going to show Dr. Greifinger, at 23 least a CD portion of expert report and I would 24 refer you to the first line under where it says, 25 vice-president and medical director.</p>
<p style="text-align: right;">Page 14</p> <p>1 create prepaid group practices. 2 Q So when you say HMO, actually was a 3 health maintenance organization? 4 A Yes, licensed as an HMO. 5 Q You were the one of the pediatricians 6 in that group? 7 A Yes, I was also the medical director. 8 Q Now the medical director, that would 9 have been an administrative position? 10 A It is not hands-on practice but it has 11 to do with recruitment and retention of clinical 12 staff and quality management in general. 13 Q But you as a medical director didn't 14 give you the ability to practice neurology in the 15 group, did it? 16 A No, it didn't. 17 Q Didn't give you the ability to practice 18 psychiatry in the group did it? 19 A Correct. 20 Q You still practiced pediatrics as your 21 medical specialty but you were involved in the 22 management of the organization; hiring, firings, 23 recruiting, setting up standards those types of 24 things? 25 A Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 A I guess so. That is what I had. That 2 was my title. 3 Q COO means, chief operating officer? 4 A Yes. 5 Q That is an administrative position, I 6 assume? 7 A Yes. 8 Q Chief medical office again or medical 9 director again, is an administrative position? 10 A Yes. 11 Q You still practiced pediatrics here, 12 correct? 13 A Yes. 14 Q What percent of your time was spent 15 doing administrative duties under the chief medical 16 officer as chief operational officer assuming a 17 hundred percent work, what percent was 18 administrative verses non-administrative. 19 A It was at least half administrative. 20 Q From 1980 so from 1980 to 1985, even 21 though you were still practicing pediatrics, your 22 work time in pediatrics was basically cut in half, 23 because the other time was spent doing 24 administrative duties? 25 A Yes. May I explain?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 17–20

<p style="text-align: right;">Page 17</p> <p>1 Q Any time.</p> <p>2 A I don't like passive voice. You said,</p> <p>3 my work time was cut off. I cut my pediatric time</p> <p>4 in order to be medical director of the group.</p> <p>5 Q I am not sure of the distinction. I</p> <p>6 wasn't implying somebody else cut it. There is so</p> <p>7 much work.</p> <p>8 A Wanted to clarify that.</p> <p>9 Q That is fine. From 1985 to 1989, says</p> <p>10 you were employed at the probably mispronounced</p> <p>11 this: Montefiore Medical Center in the Bronx?</p> <p>12 A Yes.</p> <p>13 Q What did you do there?</p> <p>14 A Excuse me, it is the Bronx.</p> <p>15 I had several roles. When I left, I</p> <p>16 was a vice-president and I was operationally in</p> <p>17 charge of a variety of non-inpatient programs</p> <p>18 including among others, management of the contract</p> <p>19 that Montefiore had with the City of New York to</p> <p>20 provide the medical care for the inmates on Rikers</p> <p>21 Island which is New York City's Jail.</p> <p>22 Q Was your functions between 1985 and</p> <p>23 1989, administrative?</p> <p>24 A Yes.</p> <p>25 Q So, this was the first position that</p>	<p style="text-align: right;">Page 19</p> <p>1 are independent contractors. Not with me, they are</p> <p>2 independent contractors with the agency who I</p> <p>3 consult with.</p> <p>4 Q From 1989 to 1995 says that you were,</p> <p>5 Deputy Commissioner Chief Medical Officer of the</p> <p>6 New York State Correctional Services?</p> <p>7 A Yes.</p> <p>8 Q I assume your duties there were</p> <p>9 administrative?</p> <p>10 A Yes.</p> <p>11 Q From, 1995 through the present time,</p> <p>12 you were involved according to your CV, consulting</p> <p>13 in the area of design management operations,</p> <p>14 quality improvement and utilization management for</p> <p>15 correctional health care systems, correct?</p> <p>16 A Yes.</p> <p>17 Q No time has been spent in the active</p> <p>18 clinical assessment or treatment of adult patients,</p> <p>19 correct?</p> <p>20 A Correct.</p> <p>21 Q No time is spent in the active clinical</p> <p>22 assessment of neurology patients, correct?</p> <p>23 A No time is spent in the assessment or</p> <p>24 treatment of patients with neurological disease.</p> <p>25 Q No time is spent in the clinical</p>
<p style="text-align: right;">Page 18</p> <p>1 you took or now your function was one hundred</p> <p>2 percent administrative?</p> <p>3 A Correct.</p> <p>4 Q Your functions have remained one</p> <p>5 hundred percent administrative, since then?</p> <p>6 A No, I haven't administered anything</p> <p>7 other than my own life since I left the New York</p> <p>8 State Department of Corrections in 1995.</p> <p>9 Q So, from 1985 to 1995, your</p> <p>10 professional life was one hundred percent</p> <p>11 administrative duties?</p> <p>12 A Correct.</p> <p>13 Q From 1995 till now, your no longer</p> <p>14 administrating any businesses or functions or</p> <p>15 philanthropic organizations or anything, you do</p> <p>16 consulting work, now?</p> <p>17 A I do consulting work. I have a sole</p> <p>18 proprietorship and, so there are no employees and</p> <p>19 nobody to administer.</p> <p>20 Q You don't have a hundred employees or 8</p> <p>21 thousand employees or two hundred or anybody that</p> <p>22 reports to you since 1985, other than maybe a part</p> <p>23 time secretary or a clerical person?</p> <p>24 A I did have a few colleagues who work</p> <p>25 with me where technically they report to me. They</p>	<p style="text-align: right;">Page 20</p> <p>1 assessment or treatment of psychiatric patients,</p> <p>2 correct?</p> <p>3 A No.</p> <p>4 Q No time is spent in the clinical</p> <p>5 assessment and treatment of patients suffering from</p> <p>6 withdrawal, correct?</p> <p>7 A Correct, though I do evaluate and</p> <p>8 monitor, jail detoxification withdrawal programs</p> <p>9 particularly in Miami, New Orleans and Albuquerque.</p> <p>10 Q You would monitor those programs not</p> <p>11 involved in the assessment or treatment of those</p> <p>12 patients, correct?</p> <p>13 A Correct, I evaluate the assessment and</p> <p>14 treatment of those patients.</p> <p>15 Q I understand as an administrator you</p> <p>16 might evaluate what somebody does.</p> <p>17 You are not the one that is doing it,</p> <p>18 correct?</p> <p>19 A No, I am not an administrator.</p> <p>20 Q I want to say you do not do hands on</p> <p>21 assessment and treatment of people suffering from</p> <p>22 withdrawal, correct?</p> <p>23 A That is correct.</p> <p>24 Q Do you have a copy of your report with</p> <p>25 you?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 21-24

<p style="text-align: right;">Page 21</p> <p>1 A Yes.</p> <p>2 Q Now, your deposition notice here today</p> <p>3 was a deposition notice taken for you to bring all</p> <p>4 of the records with you.</p> <p>5 Did you do that?</p> <p>6 A Yes.</p> <p>7 Q I see you have a flash drive, correct?</p> <p>8 A Yes.</p> <p>9 Q In your report, I think it is page two</p> <p>10 or so, you list some documents that you were given.</p> <p>11 Are those the documents that are on</p> <p>12 that flash drive?</p> <p>13 A Yes, but there are other documents that</p> <p>14 I didn't put down in my report, in part because</p> <p>15 just didn't, and other part because I didn't know</p> <p>16 at the time if I was allowed to list documents, FBI</p> <p>17 documents, and then by the time I found out it was</p> <p>18 okay, I forgot to put them down.</p> <p>19 I have a list for you, if you would</p> <p>20 like it.</p> <p>21 Q Let's go back to the flash drive that</p> <p>22 you have there.</p> <p>23 That is all the documents that you have</p> <p>24 looked at, in relation to this case?</p> <p>25 A I believe so, yes.</p>	<p style="text-align: right;">Page 23</p> <p>1 documents that are listed here on the January 9,</p> <p>2 2017 letter, from Mr. Perakis.</p> <p>3 Q They are on this flash drive?</p> <p>4 A They should be, yes.</p> <p>5 Q The way I understand this flash drive</p> <p>6 contains documents that weren't listed on the list,</p> <p>7 because you forgot or but it does contain all the</p> <p>8 documents you looked at?</p> <p>9 A Yes, to the best of my knowledge.</p> <p>10 Q There are a lot of documents here.</p> <p>11 Did you look at every single page of</p> <p>12 every single document that is on this flash drive?</p> <p>13 A Yes. I didn't necessarily read every</p> <p>14 single page very carefully, but I scanned through</p> <p>15 every page.</p> <p>16 Q Okay. You have billing records?</p> <p>17 A Yes, they are on the flash drive.</p> <p>18 Q Here is what I have on this flash, do I</p> <p>19 have all that showed up, it is Perakis/Stojcevski</p> <p>20 documents, Perakis/Stojcevski invoices. According</p> <p>21 to this, you don't have a copy to look at, looks</p> <p>22 like you sent two invoices or 4 invoices.</p> <p>23 One says 1/17, 6/17, 2/18, and 4/18.</p> <p>24 Those are the numbers on the invoices?</p> <p>25 A Yes, that is a secret code that</p>
<p style="text-align: right;">Page 22</p> <p>1 Q You believe so or you know so, I only</p> <p>2 get one time to ask you questions.</p> <p>3 A I can't recall any questions that I</p> <p>4 reviewed, that are not there.</p> <p>5 Q Can I see the flash drive?</p> <p>6 A Yes, I don't work with paper and so</p> <p>7 this if it came electronically I likely saved it.</p> <p>8 MR. CHAPMAN: Mr. Perakis, do you</p> <p>9 have a problem if I plug this into my</p> <p>10 computer, and see what is on it?</p> <p>11 MR. PERAKIS: No problem.</p> <p>12 In January, several months before</p> <p>13 we sent those documents for review, we</p> <p>14 sent some of the FBI stuff we received</p> <p>15 from subpoena, and I brought this</p> <p>16 letter, so you know.</p> <p>17 MR. CHAPMAN: Here is what my</p> <p>18 demand was.</p> <p>19 I have copies in front of me, of</p> <p>20 everything you have looked at. You have</p> <p>21 represented to me this flash drive has</p> <p>22 everything. Are you now saying Dr.,</p> <p>23 other documents you have looked at are</p> <p>24 not on the flash drive?</p> <p>25 A No, I am saying, I did not list the</p>	<p style="text-align: right;">Page 24</p> <p>1 corresponds to the month and the year.</p> <p>2 Q Secret code that everybody knows the</p> <p>3 4/8/18 invoice, I sent by e-mail last night and</p> <p>4 gave it physically to Mr. Perakis, this morning.</p> <p>5 According to the first invoice, 1/17 you spent 3.5</p> <p>6 hours in reviewing documents, I assume that is the</p> <p>7 invoice that you received, this flash drive, prior</p> <p>8 to, to look at.</p> <p>9 It is that correct?</p> <p>10 A I don't recall.</p> <p>11 Q So that is 3.5 hours.</p> <p>12 Are your invoices accurate when you</p> <p>13 billed them, I assume you are saying they are</p> <p>14 accurate, correct?</p> <p>15 A Generally, I don't always bill for all</p> <p>16 the hours for all the time, I put in.</p> <p>17 Generally they are accurate.</p> <p>18 Q Then the next invoice which is in June.</p> <p>19 It is 1.25 hours for reviewing</p> <p>20 documents, and then three hours for drafting your</p> <p>21 report and then, February 18, you sent another</p> <p>22 invoice, give you the benefit of the doubt here, it</p> <p>23 says document review in conference, 2.5 hours and</p> <p>24 then you just sent one you said -- and that was for</p> <p>25 prep including travel for today that had nothing to</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 25–28

<p style="text-align: right;">Page 25</p> <p>1 do with anything other than reviewing documents</p> <p>2 maybe to prep you for this dep.</p> <p>3 Nothing, to do with preparing you for</p> <p>4 this report?</p> <p>5 A Correct.</p> <p>6 Q Your report was drafted, and signed on</p> <p>7 June 7, 2017, so I am going to assume, that since</p> <p>8 you drafted your report in June of 2017, the only</p> <p>9 two invoices that apply to any work that went into</p> <p>10 these reports, were the January 17, and the June</p> <p>11 17, because the other one were in '18, well after</p> <p>12 you drafted your report?</p> <p>13 A Correct.</p> <p>14 Q And, in that, all of these documents on</p> <p>15 this flash drive, you spent 4.75 hours to review?</p> <p>16 A You have to understand, I was familiar</p> <p>17 with a lot of the documents from other work that I</p> <p>18 had done, for another client, prior, regarding this</p> <p>19 case.</p> <p>20 Q You did other work for another client</p> <p>21 regarding this case; there is only one plaintiff in</p> <p>22 this case, Mr. Stojcevski, it would be the personal</p> <p>23 representative who is the other person in this</p> <p>24 case, you would have done work for?</p> <p>25 A When I say, case, I mean the</p>	<p style="text-align: right;">Page 27</p> <p>1 and foundation.</p> <p>2 Want to make the question clear.</p> <p>3 A I am certain that I am not authorized</p> <p>4 to respond to questions about what the US</p> <p>5 attorney's office or the FBI told me, or what I</p> <p>6 told them. It is my understanding that I am not</p> <p>7 allowed to share the set of documents, that I</p> <p>8 received from them, but I did on my list of</p> <p>9 documents say that I had reviewed the video</p> <p>10 recording of the last whatever it was 7 days of Mr.</p> <p>11 Stojcevski's life.</p> <p>12 Q Bare with me, this is important for me</p> <p>13 to explore. I am sure will be become the subject</p> <p>14 of a motion.</p> <p>15 A Okay.</p> <p>16 Q Let me just explore it.</p> <p>17 I want to give you an opportunity to</p> <p>18 identify everything.</p> <p>19 What I hear you saying is, you spent</p> <p>20 time looking at this case at the request of the US</p> <p>21 government?</p> <p>22 A Yes.</p> <p>23 Q And you spent time looking at documents</p> <p>24 that they gave you to look at, correct?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 26</p> <p>1 circumstances around Mr. Stojcevski' medical care,</p> <p>2 that was the US attorney's office.</p> <p>3 Q I asked for all the documents you have</p> <p>4 looked at.</p> <p>5 A I have a very strict confidentiality</p> <p>6 agreement, also I understand I am unable to discuss</p> <p>7 anything about what they told me, what I told them,</p> <p>8 or what they sent me. Unless, it otherwise comes</p> <p>9 up. It was my understanding, that I could not share</p> <p>10 any of those documents with you.</p> <p>11 Q Let me explore that a bit.</p> <p>12 It is your belief that you have a</p> <p>13 contingency agreement that prohibits you from</p> <p>14 discussing or disclosing anything that you guys</p> <p>15 talked about; you gave to them or you learned,</p> <p>16 during that investigation?</p> <p>17 MR. PERAKIS: Note for the record.</p> <p>18 MR. CHAPMAN: Make an objection</p> <p>19 nothing for the record.</p> <p>20 MR. PERAKIS: All I am asking you</p> <p>21 is to be clear.</p> <p>22 When you say they or them, those</p> <p>23 guys, who are you talking about?</p> <p>24 MR. CHAPMAN: We were talking</p> <p>25 about the FBI, make an objection form</p>	<p style="text-align: right;">Page 28</p> <p>1 Q That they obtained through subpoenas, I</p> <p>2 know I responded and gave them a bunch of documents</p> <p>3 they got through subpoenas?</p> <p>4 A Correct.</p> <p>5 Q You spent time talking to</p> <p>6 investigators, FBI agents, US attorneys, whatever</p> <p>7 in discussions about this case, correct?</p> <p>8 Don't tell me what you said, that you</p> <p>9 talked to people about the case?</p> <p>10 A Yes.</p> <p>11 Q They provided, did they provide</p> <p>12 additional opinions to you that maybe they got from</p> <p>13 other sources?</p> <p>14 MR. PERAKIS: Objection, he said</p> <p>15 he can't talk about opinions, that they</p> <p>16 talked about.</p> <p>17 MR. CHAPMAN: Form and foundation.</p> <p>18 Did you, and if you can't talk about</p> <p>19 it, you say you can't disclose that.</p> <p>20 Move on.</p> <p>21 MR. PERAKIS: I am telling you,</p> <p>22 you can't.</p> <p>23 MR. CHAPMAN: Form and foundation.</p> <p>24 Let me question this person on my own.</p> <p>25 MR. PERAKIS: He already</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 29–32

<p style="text-align: right;">Page 29</p> <p>1 explained to you he can't do it, and you</p> <p>2 need to respect that.</p> <p>3 MR. CHAPMAN: I don't need to</p> <p>4 respect that at all, until he tells me</p> <p>5 he can't answer the question, your not</p> <p>6 his attorney let's not do that.</p> <p>7 MR. PERAKIS: He already told</p> <p>8 you.</p> <p>9 MR. CHAPMAN: No, he hasn't.</p> <p>10 Be quiet and let him answer the</p> <p>11 questions.</p> <p>12 A My understanding, I can't disclose</p> <p>13 that.</p> <p>14 Q What you are telling me is, you have a</p> <p>15 body of knowledge, that you have learned through</p> <p>16 your work with the FBI and US government in this</p> <p>17 case, that you applied to your opinions and things</p> <p>18 in this case, but I am prohibited from questioning</p> <p>19 you on those because of your disclosure agreement</p> <p>20 with the government?</p> <p>21 A No, all of my opinions are based on</p> <p>22 materials that I received from Mr. Perakis. I did</p> <p>23 not, I was just familiar for example, with the</p> <p>24 clinical guidelines and the lesson plans not only</p> <p>25 from work on this case, because I worked with CCS</p>	<p style="text-align: right;">Page 31</p> <p>1 MR. CHAPMAN: Let's go back on the</p> <p>2 record, Dr.</p> <p>3 Q The work that at least the work that</p> <p>4 you billed Mr. Perakis for, is contained in your 4</p> <p>5 invoices, correct?</p> <p>6 A No, it is not correct.</p> <p>7 Mr. Perakis just reminded me that he</p> <p>8 had sent me a 5,000.00 retainer which would have</p> <p>9 paid for at least ten hours of work, that may not</p> <p>10 be reflected on those invoices.</p> <p>11 I looked up -- my, I did approximately,</p> <p>12 twenty hours work.</p> <p>13 Q So you are saying total, you did</p> <p>14 approximately twenty hours work?</p> <p>15 A For Mr. Perakis.</p> <p>16 Q Twenty hours including your \$5,000.00,</p> <p>17 and whatever?</p> <p>18 A Yes, yes.</p> <p>19 Q Let's, look at this, and see what we</p> <p>20 have.</p> <p>21 We have, and that is not counting my</p> <p>22 prep yesterday.</p> <p>23 That would be the bill you sent him for</p> <p>24 418?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 30</p> <p>1 on other venues.</p> <p>2 Q Here is the thing that bothers me.</p> <p>3 You said, I said and I am somewhat</p> <p>4 shocked, but you could have gone to the Evelyn</p> <p>5 speed reading course and been their stellar</p> <p>6 performer for years, and you spent 4.75 hours</p> <p>7 reading several pages of documents. Your response</p> <p>8 was, you have to understand, I am already familiar</p> <p>9 with that material.</p> <p>10 Did you gain your familiarity, while</p> <p>11 working for the government?</p> <p>12 A In part, yes.</p> <p>13 Q But you are telling me because of your</p> <p>14 non-disclosure, I cannot question you about what</p> <p>15 you looked at during your employment, who you</p> <p>16 talked to, what information they gave you to you,</p> <p>17 what dialogue you had with investigators?</p> <p>18 A That is my understanding.</p> <p>19 MR. CHAPMAN: Well, I think we</p> <p>20 have a problem. I am going to take a</p> <p>21 break, Bob.</p> <p>22 There is a serious problem here.</p> <p>23 MR. GAZALL: Call me on my phone.</p> <p>24 (Break taken at 9:46 a.m.)</p> <p>25 (Back on the record at 9:58 a.m.)</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Well sir, I I didn't add it up with a</p> <p>2 calculator, so I might not be accurate.</p> <p>3 Comes to 21.33 hours for your three</p> <p>4 invoices. Looks like all your time is accounted</p> <p>5 for.</p> <p>6 A Then, it is all there, okay.</p> <p>7 Q Now, I see a copy of your report on</p> <p>8 here.</p> <p>9 One in word form as well as one in PDF</p> <p>10 form.</p> <p>11 A I should have just put the PDF on</p> <p>12 there.</p> <p>13 Q Now, for example on this list of</p> <p>14 documents, you have here you have a number of</p> <p>15 expert records from the defendants, your report was</p> <p>16 drafted before those expert reports were ever</p> <p>17 produced.</p> <p>18 Your report was drafted quite a while</p> <p>19 before those were ever produced?</p> <p>20 A That is correct.</p> <p>21 Q Those expert reports did nothing to</p> <p>22 aide you in formulating opinions in your report,</p> <p>23 correct?</p> <p>24 A That is correct.</p> <p>25 Q You would agree with me on I guess on a</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 33–36

<p style="text-align: right;">Page 33</p> <p>1 hypothesis that any documents or any testimony 2 created after you formulated your report, could not 3 have been used by you in formulating your report, 4 correct? 5 A Yes. 6 Q Do you stand by your report as being 7 accurate and fairly reflecting all of your opinions 8 in this case? 9 A Yes, I did review the. 10 MR. CHAPMAN: Mr. Perakis, the 11 doctor answered yes, and then you signal 12 to him, then he wants to amend his 13 answer. You have got to stop that 14 stuff. 15 You can't counsel, correct, educate, or 16 assist or help the witness testify. 17 MR. PERAKIS: That is fine. 18 Q Looking at your report, Dr., is that 19 your signature at the end of the report? 20 A Yes. 21 Q Did you draft the report? 22 A Yes. 23 Q Were there other drafts of this report, 24 or was it just that particular draft? 25 A I draft my reports dynamically, that is</p>	<p style="text-align: right;">Page 35</p> <p>1 I understand your CV. 2 You said it is fairly accurate. 3 My question is that, have you published 4 any publications relating to the treatment of 5 psychiatric patients in a county jail that is not 6 reflected in your CV; in other words, something you 7 might have done yesterday, a day before, a month 8 ago, a week before, or something? 9 A No. 10 Q Have you published anything relating to 11 the detoxification of people suffering from a 12 variety of addictions, that relate to 13 detoxification in a county jail that is not 14 reflected in your resume? 15 A I am co-author of a paper that was 16 recently published, regarding opiate substitution 17 therapy. I am not sure if that is reflected on the 18 version of my resume that you got; I believe it is 19 but -- just to say for the the record that, that is 20 a fact. 21 Q Have you ever published anything 22 relating to catatonia? 23 A No. 24 Q Have you ever been involved in any 25 research projects that relate specifically to the</p>
<p style="text-align: right;">Page 34</p> <p>1 I begin with an A template, which has my background 2 on it, and as I review materials, I add findings 3 which are pretty much historical and then I 4 complete the report with opinions. 5 Q So you don't just sit down, if I hear 6 what you are saying, you don't just sit down and 4 7 hours later there is a report. 8 It is a process that doesn't begin and 9 end in one sitting? 10 A Typically, that is correct. 11 Q And, and then that is your signature, 12 at the end, correct? 13 A Yes. 14 Q Is your CV reasonably accurate? 15 A Reasonably, so. 16 Q Have you had any publications that 17 aren't in your CV that relate directly to the 18 psychiatric treatment of patients in a county jail? 19 A I co-authored a chapter in the textbook 20 that I edited on treatment planning for mentally 21 ill inmates. 22 Q Did you do that after you prepared your 23 CV? 24 A No, it is on my CV. 25 Q Listen to my question.</p>	<p style="text-align: right;">Page 36</p> <p>1 diagnosis or treatment of catatonia? 2 A No. 3 Q Have you written or been involved in 4 any research projects that deal with forensic 5 pathology as a science in determining the cause of 6 death? 7 A No. 8 Q As to the cause of death of Mr. 9 Stojcevski in this case, am I correct in assuming 10 that you rely on the opinions of pathology experts 11 in this case; in other words, you defer to people 12 more learned than yourself in the science of 13 pathology? 14 A Yes. 15 Q With respect to the diagnosis and 16 treatment of neurological conditions, am I correct 17 that you defer to people that are board certified 18 and more highly trained in the science of neurology 19 than yourself? 20 A Yes. 21 Q With respect to the opinions relating 22 to psychiatric conditions Dsm-5 applications, 23 treatment of psychiatric conditions, you would rely 24 on people that are more learned in medicine than 25 yourself, to make those determinations and</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 37–40

<p style="text-align: right;">Page 37</p> <p>1 opinions?</p> <p>2 A Yes.</p> <p>3 Q I am assuming that this report that you</p> <p>4 drafted June 7, 2017, at least completed on that</p> <p>5 date, this is not your one and only expert report,</p> <p>6 that you have ever drafted, not meaning this case,</p> <p>7 other cases you have drafted the other reports?</p> <p>8 A Yes.</p> <p>9 Q And I say that, because you are</p> <p>10 familiar with the requirements of expert reports in</p> <p>11 federal litigation, correct?</p> <p>12 A Yes.</p> <p>13 Q Is it important to be truthful in</p> <p>14 drafting a report an expert report that is</p> <p>15 submitted to the federal court in support of</p> <p>16 opinions you might have?</p> <p>17 A Yes.</p> <p>18 Q There is a section in your report, if</p> <p>19 you can turn to it that is called, materials</p> <p>20 reviewed.</p> <p>21 Do you see that, I think it is, you got</p> <p>22 ten items listed here. We have already had the</p> <p>23 discussion.</p> <p>24 There are other items that are on this</p> <p>25 flash drive.</p>	<p style="text-align: right;">Page 39</p> <p>1 or hours that would be ten days of sitting in front</p> <p>2 of a video machine?</p> <p>3 A I don't know, if I am allowed to</p> <p>4 discuss that.</p> <p>5 Q That is because that might have been</p> <p>6 something you did with the DOJ?</p> <p>7 A Yes.</p> <p>8 Q Not, to beat something up.</p> <p>9 You don't know if you are allowed to</p> <p>10 discuss it, you signed some kind of confidentiality</p> <p>11 agreement, you think might be problematic, for</p> <p>12 discussing it?</p> <p>13 A Yes, I am not trying to be difficult.</p> <p>14 I am just trying to keep out of trouble with the</p> <p>15 FBI.</p> <p>16 Q If you think you can't talk about, just</p> <p>17 say you can't talk about.</p> <p>18 I am not going to press. I will deal</p> <p>19 with it later, if I think I need to deal with it.</p> <p>20 A Okay.</p> <p>21 Q These hours of tape, can you tell me</p> <p>22 how many hours you reviewed, or you think that is</p> <p>23 something you can't talk about?</p> <p>24 A I think, that is something I can't talk</p> <p>25 about.</p>
<p style="text-align: right;">Page 38</p> <p>1 Other than the items listed on this</p> <p>2 flash drive and the one item that is listed here,</p> <p>3 item number 16, which isn't on the flash drive.</p> <p>4 A Yes, it should be.</p> <p>5 Q The only thing you reviewed for this</p> <p>6 case, that is on the flash drive other than all the</p> <p>7 things you reviewed for the government?</p> <p>8 A Yes, that is correct, to the best of my</p> <p>9 recollection.</p> <p>10 Q Now item number 14 says, video</p> <p>11 recordings, relevant to Mr. Stojcevski's, period of</p> <p>12 confinement.</p> <p>13 What do you mean by, relevant?</p> <p>14 A I mean, I reviewed the video</p> <p>15 recordings, to the extent they existed.</p> <p>16 Let me say it a different way.</p> <p>17 I reviewed the video recordings that I</p> <p>18 got, from the Department of Justice.</p> <p>19 Q Okay. Now to the best of my knowledge</p> <p>20 and Mr. Perakis will correct me here if I am wrong,</p> <p>21 there are about 240 hours of video, if he was in a</p> <p>22 video cell from June 11th, not June 11th, June 17th</p> <p>23 at about 1350 hours, until June 27th, that is about</p> <p>24 ten days.</p> <p>25 Those hours, did you review all 250 so</p>	<p style="text-align: right;">Page 40</p> <p>1 Q Can you tell me if you looked at these</p> <p>2 tapes in fast forward; three times, 4 times, 5</p> <p>3 times fast forward?</p> <p>4 A I can tell you I am very familiar with</p> <p>5 fast forward.</p> <p>6 Q When you say, you are very familiar,</p> <p>7 that means you probably used it in this case; if</p> <p>8 you can't tell me, say you can't tell me.</p> <p>9 A I don't think, I can tell you that.</p> <p>10 Q Okay, look at item number 15, it says,</p> <p>11 meal in hydration summary.</p> <p>12 This is something that would be on this</p> <p>13 drive?</p> <p>14 A Yes.</p> <p>15 Q Now is this some document that</p> <p>16 Mr. Perakis prepared or someone from his office?</p> <p>17 A Yes, someone either he prepared it or</p> <p>18 someone from his office did.</p> <p>19 MR. CHAPMAN: Could you let me</p> <p>20 turn this over here.</p> <p>21 Can you maybe step up and find</p> <p>22 the document, maybe Mr. Perakis is used</p> <p>23 to or more familiar with what is there.</p> <p>24 (Attorney and witness looking at,</p> <p>25 computer screen.)</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 41–44

<p style="text-align: right;">Page 41</p> <p>1 Q Mr. Perakis identified a PDF folder</p> <p>2 that is called, meals and hydrations.</p> <p>3 Show you on the screen looks something</p> <p>4 like that.</p> <p>5 Is that what you are familiar with?</p> <p>6 A Yes.</p> <p>7 Q Did you prepare that or somebody</p> <p>8 prepared that for you?</p> <p>9 A I did not prepare that.</p> <p>10 Q Do you know who prepared it?</p> <p>11 A No.</p> <p>12 Q Do you believe it was prepared by,</p> <p>13 somebody from Mr. Perakis's office or Mr. Perakis?</p> <p>14 A Yes.</p> <p>15 Q How do you know it is accurate?</p> <p>16 A I don't.</p> <p>17 Q Is it typical for somebody on your</p> <p>18 position to rely on information that they don't</p> <p>19 know, if it is accurate or not accurate and it is</p> <p>20 prepared in this case by somebody who has an</p> <p>21 invested interest in this particular case.</p> <p>22 It is not like an independent third</p> <p>23 party coming in to prepare a document like maybe an</p> <p>24 expert?</p> <p>25 How do you know it is accurate?</p>	<p style="text-align: right;">Page 43</p> <p>1 A Yes. Your question was without food?</p> <p>2 Q Do you agree with no food, 21 days, but</p> <p>3 they can go substantially longer, if they have some</p> <p>4 food, periodically?</p> <p>5 A That is correct.</p> <p>6 Q Have you been trained in how to analyze</p> <p>7 the body of a deceased person to determine whether</p> <p>8 starvation was a cause of death?</p> <p>9 A No.</p> <p>10 Q Do you agree that a human can go one</p> <p>11 week without any water and substantially longer if</p> <p>12 they have some water?</p> <p>13 MR. PERAKIS: Objection to form.</p> <p>14 We are not talking about any</p> <p>15 human.</p> <p>16 We are talking about one human.</p> <p>17 MR. CHAPMAN: Form and foundation.</p> <p>18 MR. PERAKIS: And foundation. Is</p> <p>19 whether he is --</p> <p>20 MR. CHAPMAN: No speaking</p> <p>21 objections.</p> <p>22 Go ahead and answer the question.</p> <p>23 Q Do you agree a human can go one week</p> <p>24 without any water and substantially longer with</p> <p>25 some water?</p>
<p style="text-align: right;">Page 42</p> <p>1 A I just list it as documents, they</p> <p>2 reviewed.</p> <p>3 Q Do you agree that a human can go 21</p> <p>4 days without any food whatsoever, and substantially</p> <p>5 longer if they have a modicum of food?</p> <p>6 MR. PERAKIS: Objection to form</p> <p>7 and foundation.</p> <p>8 Q If you don't know, say you don't know.</p> <p>9 A Can go before they die?</p> <p>10 Q Before they die.</p> <p>11 A To the extent someone is maintaining</p> <p>12 some degree of hydration, they could go.</p> <p>13 Q I am not talking about hydration. I am</p> <p>14 talking about food.</p> <p>15 A I am qualifying my answer to the extent</p> <p>16 they maintain some form of hydration, they can go</p> <p>17 for without food for approximately three weeks,</p> <p>18 without dying of starvation.</p> <p>19 Q We actually know from, and I don't want</p> <p>20 to bring it up, we know from concentration camps</p> <p>21 and other things, people can go substantially</p> <p>22 longer than 21 days if they have some food.</p> <p>23 MR. PERAKIS: Objection to form</p> <p>24 and foundation.</p> <p>25 MR. CHAPMAN: Good objection.</p>	<p style="text-align: right;">Page 44</p> <p>1 A Some people can go, up to a week</p> <p>2 without water, and most people could go</p> <p>3 substantially longer, if they have some water.</p> <p>4 Q Were you aware that there is a working</p> <p>5 faucet, in Mr. Stojcevski's cell during his entire</p> <p>6 stay?</p> <p>7 A I don't recall.</p> <p>8 Q If you watched the videos, you might</p> <p>9 have seen multiple times him actually getting up</p> <p>10 and getting a drink of water from the faucet.</p> <p>11 Did you see that?</p> <p>12 A I watched the videos.</p> <p>13 Q Did you see that?</p> <p>14 A I don't recall.</p> <p>15 Q Again, if you can't answer a question</p> <p>16 because of this agreement you have with the</p> <p>17 government, tell me and I will move on okay, fair</p> <p>18 enough?</p> <p>19 A Yes.</p> <p>20 Q Did you watch him drink water?</p> <p>21 A I don't recall.</p> <p>22 Q Did you watch on the video, guards and</p> <p>23 nurses periodically giving him water to drink?</p> <p>24 A Yes.</p> <p>25 Q Did you read any of the material where</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 45–48

<p style="text-align: right;">Page 45</p> <p>1 nurses and guards, reminded him that you know, you 2 should drink water?</p> <p>3 A Yes.</p> <p>4 Q Item number 16, says that you looked at 5 an article from Dean Reager, that talks about the 6 difference between, malpractice and deliberate 7 indifference.</p> <p>8 Can you please tell me what relevance 9 that has to do with anything we are talking about 10 today?</p> <p>11 A None, whatsoever.</p> <p>12 Q Why did you read it?</p> <p>13 A Because, I saw it and he was the chief 14 medical officer of CCS at the time, and this is a 15 case in federal court that from a legal point of 16 view has to do with deliberate indifference.</p> <p>17 Q But you understand or you agree don't 18 you, that that particular article was a 19 non-scientific, non-scholarly article that was 20 published that basically was about, let's just say 21 lacked depth, in talking about the difference 22 between malpractice and deliberate indifference.</p> <p>23 A You are asking me for my judgment about 24 that.</p> <p>25 Q Sure, you read it.</p>	<p style="text-align: right;">Page 47</p> <p>1 Q 41 years ago?</p> <p>2 A Whatever, I am an old man.</p> <p>3 MR. CHAPMAN: For the record, you 4 are not that old.</p> <p>5 Q Could you list all the medical training 6 you have received in the field of neurology, let's 7 say outside of or after your residency program that 8 you completed in 1976?</p> <p>9 A No, no formal training since that time.</p> <p>10 Q Can you list all your formal training 11 that you had in the field of forensic pathology 12 since your medical school training that ended in, 13 1971?</p> <p>14 A No, formal training since that time.</p> <p>15 Q Could you list all of your medical 16 training you received in the field of nursing?</p> <p>17 A No formal training, since that time.</p> <p>18 Q Please list all of your medical 19 training that you have received in the field of 20 addiction management and treatment since completing 21 your medical training in 1971?</p> <p>22 A No, formal training since that time.</p> <p>23 Q Are you, do you hold or have you ever 24 held --</p> <p>25 A I am sorry. Since the end of my</p>
<p style="text-align: right;">Page 46</p> <p>1 A Yes, I would agree with you.</p> <p>2 Q There is no basis in your opinion?</p> <p>3 A Absolutely not.</p> <p>4 Q Could you list for me or not for me, 5 for the record, any of your medical training in the 6 field of psychiatry, after you completed medical 7 school in 1971; formal training, not things you 8 might have read. Formal training.</p> <p>9 A I had formal training during my 10 residency.</p> <p>11 Q After your residency then?</p> <p>12 A No formal training.</p> <p>13 Q In your formal training during your 14 pediatric residency, would that be in pediatric 15 psychiatry?</p> <p>16 A No, it was general psychiatry.</p> <p>17 Q Again, that would be, where you spent a 18 rotation in a psychiatric area?</p> <p>19 A No, the social medicine program had a 20 full time psychiatrist on the faculty and so we had 21 lots of lectures and workshops and seminars on 22 psychiatric issues.</p> <p>23 Q And this was a program you completed in 24 1976, correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 48</p> <p>1 residency, I did have formal training, during my 2 residency, as I testified earlier.</p> <p>3 Q Sure.</p> <p>4 Have you ever held the New York State 5 Certification of Certified Addiction Professional?</p> <p>6 A No.</p> <p>7 Q Could you please state the title and if 8 you need to look at your resume, we can get that to 9 you; the title of the last scholarly article that 10 you reviewed, that specifically dealt with, 11 withdrawal symptoms related to benzodiazepine, or 12 if you haven't looked at one in the last 5 years 13 say you haven't.</p> <p>14 A Oh, I have. I just can't recall 15 specifically, I can't recall the specific article.</p> <p>16 Q Could you state the last scholarly 17 article that you reviewed that specifically dealt 18 with the diagnosis and treatment of catatonia?</p> <p>19 A No.</p> <p>20 Q Please state the title of the last 21 scholarly article that you reviewed that 22 specifically dealt with the treatment or death, as 23 a result of starvation?</p> <p>24 A I don't recall.</p> <p>25 Q Please state the title of the last</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 49–52

<p style="text-align: right;">Page 49</p> <p>1 scholarly article you reviewed that specifically</p> <p>2 dealt with death, as a result of dehydration?</p> <p>3 A I don't recall.</p> <p>4 Q Could you list for me, the names and</p> <p>5 the titles of individuals, that you believe</p> <p>6 approximately caused the death of Mr. Stojcevski,</p> <p>7 because of their actions or inactions; and be</p> <p>8 specific.</p> <p>9 I want the name and the title, after</p> <p>10 the person.</p> <p>11 A Okay. I am going to refer to my report.</p> <p>12 Q You can refer to your report, sure.</p> <p>13 A For this purpose, Correct Care</p> <p>14 Solutions, if that corporation counts as a person.</p> <p>15 Dr. Sherman, who is the medical director at the</p> <p>16 Macomb County Jail, excuse me, did you talk about</p> <p>17 health care people or all people, clarify that.</p> <p>18 Q My question relates to health care,</p> <p>19 don't know if you want me to explain it to</p> <p>20 everybody.</p> <p>21 Give me the name and title.</p> <p>22 A Correctional Officer Harrison, Mental</p> <p>23 Health Director Natalie Pacito, David Arft who was</p> <p>24 the health service administrator. Ms. Cueny, who</p> <p>25 is the registered nurse, and nursing director. LPN</p>	<p style="text-align: right;">Page 51</p> <p>1 I want to know the date and the act or</p> <p>2 action that Ms. Pavey did, that which proximately</p> <p>3 caused Mr. Stojcevski's death. I got all day.</p> <p>4 Look at anything you want.</p> <p>5 A I can state specifically, that all of</p> <p>6 these people were aware of Mr. Stojcevski's</p> <p>7 addiction, his condition, his tremors, his</p> <p>8 unresponsiveness, his seizures, his lying naked on</p> <p>9 the on the floor. And, on a systematic basis,</p> <p>10 persistently, not one of all these individuals, who</p> <p>11 I mentioned, took any action to try to save his</p> <p>12 life.</p> <p>13 Q I am going to go back and ask my</p> <p>14 question again.</p> <p>15 Liability in 1983, and you have been</p> <p>16 around the block a long time, is not based on the</p> <p>17 corrective action or inaction of groups of people,</p> <p>18 individual acts. What individual act or failure to</p> <p>19 act, did Ms. Pavey do and give me the date she gave</p> <p>20 it that approximately caused Mr. Stojcevski's</p> <p>21 death.</p> <p>22 If you don't know, or you can't tell me</p> <p>23 because you learned about this through the DOJ,</p> <p>24 tell me that.</p> <p>25 A No, I don't recall.</p>
<p style="text-align: right;">Page 50</p> <p>1 Tiffany Deluca. Nurses Heather Erlich, Teresa</p> <p>2 Williams, Correctional Officer Likavoli.</p> <p>3 Correctional Officer Campo, Mental Health</p> <p>4 Professional Daniel Nelson, who was known at the</p> <p>5 time as Daniel Covins. LPN Breen. LPN Lisa</p> <p>6 Bingham. Mental Health Professional Brock. Mental</p> <p>7 Health Professional, Kelly Mann. Correctional</p> <p>8 Officers, Oxly Cueny, Gallos, McGilly, Avery,</p> <p>9 Venio, Glout, Ray, White and Polasky. LPN Bey</p> <p>10 Shelly, LPN Breen, LPN Williams, LPN Parkin, MPN</p> <p>11 Barber, LPN Havy.</p> <p>12 I am not sure if I have the right title</p> <p>13 for Kelly Mann. It is a mental health</p> <p>14 professional, that is all I can identify, at this</p> <p>15 time.</p> <p>16 Q Let's start with first Deena Pavey.</p> <p>17 Can you please give me the date of any</p> <p>18 action or inaction, that she did that in your</p> <p>19 professional opinion approximately caused the death</p> <p>20 of Mr. Stojcevski; meaning if she hadn't done it,</p> <p>21 or did it, Mr. Stojcevski would not have died?</p> <p>22 A I don't recall.</p> <p>23 Q In you are the expert. You just said</p> <p>24 that these individuals proximately caused the</p> <p>25 death.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q I will be here all day till you recall.</p> <p>2 If you don't know say you don't know.</p> <p>3 If you don't recall, read whatever you want.</p> <p>4 MR. PERAKIS: He has no</p> <p>5 obligation to read the entire file. If</p> <p>6 you have questions about particular</p> <p>7 documents, ask him. He is not going to</p> <p>8 sit here and go through 4000 pages.</p> <p>9 It is your job to do that.</p> <p>10 MR. CHAPMAN: Sure, he can do</p> <p>11 that.</p> <p>12 MR. PERAKIS: It is your job to do</p> <p>13 that. We disagree what your job is.</p> <p>14 MR. CHAPMAN: Object to form and</p> <p>15 foundation. Irrelevant to this</p> <p>16 deposition.</p> <p>17 Q Sir, answer the question.</p> <p>18 A I can't answer it at this time. I am</p> <p>19 unable to do so. I did not chronicle the</p> <p>20 individual actions in that manner. So, I don't</p> <p>21 have easy access to that.</p> <p>22 Q What did Ms. Pavey do, what was her</p> <p>23 involvement?</p> <p>24 A It is what she didn't do.</p> <p>25 Q What was her job?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 53-56

<p style="text-align: right;">Page 53</p> <p>1 A Her job was to try to take care of her</p> <p>2 patient to make sure her patient doesn't suffer</p> <p>3 harm from being abandoned.</p> <p>4 Q Why did you believe that Mr. Stojcevski</p> <p>5 was Ms. Pavey's patient what was Ms. Pavey's title;</p> <p>6 what did she do, what was her function?</p> <p>7 A I don't recall.</p> <p>8 Q How can you make a conclusion she</p> <p>9 failed to do something when you don't know what she</p> <p>10 did?</p> <p>11 A My conclusion was based on the</p> <p>12 aggregate as I mentioned before that nobody took</p> <p>13 any action to save the life of a patient, who was</p> <p>14 deteriorating and dying.</p> <p>15 Q Tell me specifically what Ms. Parton</p> <p>16 did or did not do specifically to proximately cause</p> <p>17 the death of this individual?</p> <p>18 A I have the same answer.</p> <p>19 Q Which is you don't know?</p> <p>20 A No, the answer is I didn't put my</p> <p>21 report together in that manner so I didn't</p> <p>22 chronicle each of those.</p> <p>23 Q You understand sir, I only get to</p> <p>24 depose you once you can't point by saying well I</p> <p>25 didn't put my report that way, because I will wait</p>	<p style="text-align: right;">Page 55</p> <p>1 A You didn't let me finish my September</p> <p>2 and for Nurse Cueny, Monica Cueny.</p> <p>3 Q For all of the other nursing</p> <p>4 professionals your answer would be you don't have</p> <p>5 that information?</p> <p>6 MR. PERAKIS: That is not what he</p> <p>7 has testified to, he said I don't recall</p> <p>8 that is your job if you actually want</p> <p>9 his opinion.</p> <p>10 Q Doesn't give speaking opinions, shut</p> <p>11 up?</p> <p>12 MR. PERAKIS: If you truly want</p> <p>13 his opinion ask him questions like you</p> <p>14 are interested in his answers.</p> <p>15 MR. CHAPMAN: I am very</p> <p>16 interested in his answers.</p> <p>17 MR. PERAKIS: Apparently you are</p> <p>18 not.</p> <p>19 MR. CHAPMAN: Don't give</p> <p>20 objections that are allowed under the</p> <p>21 court rules.</p> <p>22 Let's do that please.</p> <p>23 MR. PERAKIS: I will do what I</p> <p>24 feel is appropriate under the</p> <p>25 circumstances, and this is appropriate.</p>
<p style="text-align: right;">Page 54</p> <p>1 all day.</p> <p>2 A Sure, I didn't do my work in that</p> <p>3 manner in a manner I can answer that question.</p> <p>4 Q You understand that is the critical</p> <p>5 question that somebody can only be responsible if</p> <p>6 they proximately cause the death of somebody?</p> <p>7 A If that is your testimony, that is not</p> <p>8 -- that would be putting words in my mouth.</p> <p>9 Q Let me ask you this. I am going to go</p> <p>10 through all of these. It your opinion with all of</p> <p>11 the individuals on the medical side, if I ask you</p> <p>12 the question to tell me specifically what they did</p> <p>13 or did not do. Give me the date and time that they</p> <p>14 did not do something to proximately cause you're</p> <p>15 your answer would be, I didn't look at the file, I</p> <p>16 don't have the information.</p> <p>17 A I may be able to answer that for you.</p> <p>18 Q For which ones?</p> <p>19 A For Dr. Sherman and mental health</p> <p>20 professionals.</p> <p>21 Q For all the other nursing professionals</p> <p>22 your answer would be you don't have that</p> <p>23 information?</p> <p>24 MR. PERAKIS: Form and</p> <p>25 foundation.</p>	<p style="text-align: right;">Page 56</p> <p>1 You are not prepared for this</p> <p>2 deposition, it is clear, because you</p> <p>3 don't know what records he reviewed you</p> <p>4 are not willing to go through the</p> <p>5 records that he reviewed. If you were,</p> <p>6 you would get answers.</p> <p>7 Q Dr., tell me specifically what Ms.</p> <p>8 Pacito did that proximately caused the death of</p> <p>9 Mr. Stojcevski?</p> <p>10 A Ms. Pacito failed to train and</p> <p>11 supervise the mental health professionals who</p> <p>12 worked for her and if there is something further</p> <p>13 then I will look at my report. Natalie Pacito was</p> <p>14 apparently told by Lisa Bingham, on June 20, that</p> <p>15 Mr. Stojcevski behavior was bizarre, and she didn't</p> <p>16 take any action, as a matter of fact he was on</p> <p>17 suicide watch for reasons I could never understand</p> <p>18 because there was no indication or documentation in</p> <p>19 the medical record that he should have been</p> <p>20 classified as such but she certainly didn't take</p> <p>21 any action to try to get at what the source of this</p> <p>22 bizarre behavior was.</p> <p>23 Q Since those individuals gave those</p> <p>24 depositions after your report, how would you know</p> <p>25 that?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 57–60

<p style="text-align: right;">Page 57</p> <p>1 A This is in my report.</p> <p>2 Q It is in your report, they gave your</p> <p>3 deposition after your report.</p> <p>4 How would you know that; did you learn</p> <p>5 that through the DOJ?</p> <p>6 A No.</p> <p>7 Q How would you know it?</p> <p>8 A Because it was in the medical records.</p> <p>9 MR. CHAPMAN: Here is a copy of</p> <p>10 the medical records. Find me the</p> <p>11 medical records where it is in.</p> <p>12 MR. PERAKIS: For the record, it</p> <p>13 is not in the medical records.</p> <p>14 MR. CHAPMAN: Do not testify for</p> <p>15 him.</p> <p>16 MR. PERAKIS: I am going to</p> <p>17 testify about what you are doing, you</p> <p>18 know what the facts are. They are in</p> <p>19 the complaint.</p> <p>20 MR. CHAPMAN: The complaint has</p> <p>21 nothing do with the facts.</p> <p>22 MR. PERAKIS: The complaint has</p> <p>23 everything to do with the facts.</p> <p>24 MR. CHAPMAN: You are losing your</p> <p>25 case and trying to direct your witness.</p>	<p style="text-align: right;">Page 59</p> <p>1 (A break was taken at 10:42 a.m.)</p> <p>2 (The deposition resumed at 10:50</p> <p>3 a.m.)</p> <p>4 Q What were you looking at, first?</p> <p>5 A I was looking at the fact chronology.</p> <p>6 Q Dr., could you please explain to me</p> <p>7 what action or inactions Mr. Arft did that</p> <p>8 proximately caused the death of Mr. Stojcevski and</p> <p>9 the date of those actions or in actions?</p> <p>10 A He failed to train and supervise the</p> <p>11 staff who reported to him, which included among</p> <p>12 others Monica Cueny and the licensed practical</p> <p>13 nurses.</p> <p>14 His failure to do that prior to the</p> <p>15 incarceration of Mr. Stojcevski, was an proximate</p> <p>16 cause of his abandoning this patient, watching the</p> <p>17 deteriorating, unresponsive patient die before</p> <p>18 their eyes.</p> <p>19 Q What specific training did they fail to</p> <p>20 do?</p> <p>21 A He failed to assure that they were</p> <p>22 trained in the clinical guidelines for, withdrawal.</p> <p>23 They failed to, effectively convey the lesson plan</p> <p>24 on detoxification and withdrawal, failed to, follow</p> <p>25 the CCS policy of, I don't remember his specific</p>
<p style="text-align: right;">Page 58</p> <p>1 This is absolutely bizarre. You cannot</p> <p>2 do this.</p> <p>3 MR. PERAKIS: I can do what I feel</p> <p>4 is appropriate.</p> <p>5 You are not asking the questions</p> <p>6 based on the records that he looked at.</p> <p>7 You prefer to have these</p> <p>8 generalizations, without getting any</p> <p>9 answers. You know what the answers are</p> <p>10 going to be. They are not going to</p> <p>11 benefit you, that is not the purpose of</p> <p>12 the deposition. The purpose of the</p> <p>13 deposition is get to the facts and your</p> <p>14 not doing it. If you don't want to know</p> <p>15 the facts, fine why even do the</p> <p>16 deposition.</p> <p>17 MR. CHAPMAN: You know, sir. I am</p> <p>18 fed up with your diatribes, and trying</p> <p>19 to coach your witnesses. It is beyond</p> <p>20 professionalism, as an attorney.</p> <p>21 MR. PERAKIS: I disagree with</p> <p>22 you.</p> <p>23 MR. CHAPMAN: Take a break for a</p> <p>24 second, Bob.</p> <p>25 We will call you in a minute.</p>	<p style="text-align: right;">Page 60</p> <p>1 words, but to protect, to provide timely care in an</p> <p>2 appropriate level for the patients in their charge,</p> <p>3 so this was in one of the policies that I reviewed.</p> <p>4 He also failed to assure that they knew what to do</p> <p>5 to monitor a patient who is unresponsive. I have</p> <p>6 to monitor them with vital signs and with intake</p> <p>7 and output measurements and to try to determine the</p> <p>8 reason for physical and mental deterioration.</p> <p>9 Q What clinical guidelines did he</p> <p>10 specifically not train somebody on?</p> <p>11 A The clinical guideline on</p> <p>12 detoxification and withdrawal.</p> <p>13 Q What specific part did he not train</p> <p>14 somebody on?</p> <p>15 A Let's go find the policy and look at</p> <p>16 it.</p> <p>17 Q I asked you to bring everything that</p> <p>18 you looked at. Here is the flash drive.</p> <p>19 A Now you are playing games.</p> <p>20 MR. PERAKIS: You said.</p> <p>21 Q I am here to depose you with all of the</p> <p>22 documents.</p> <p>23 A It is right here.</p> <p>24 Q No, if you need a computer to look at</p> <p>25 this -- did you bring a computer to look at these</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 61–64

<p style="text-align: right;">Page 61</p> <p>1 documents; you knew I was going to depose you on 2 those.</p> <p>3 A I did not bring a computer.</p> <p>4 Q Why would you not bring the document 5 when I asked you; I subpoenaed, I filed a subpoena 6 duces tecum.</p> <p>7 Why did you not bring sufficient means 8 to go through the documents so I could question 9 you?</p> <p>10 A It is my understanding that counsel 11 informed you that I was going to bring a flash 12 drive and a copy of my report, that there were no 13 objections to that, on your part.</p> <p>14 MR. PERAKIS: That is accurate.</p> <p>15 Q What did you need to look at my 16 computer, to find something?</p> <p>17 I am not leaving the question until you 18 tell me specific what part of a guideline did 19 Mr. Arft, have to train somebody on?</p> <p>20 A Okay let's look at your computer, 21 another one.</p> <p>22 Q Ms. Deluca, would you please tell me 23 the dates of any action or inactions that 24 proximately caused the death of Mr. Stojcevski?</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 63</p> <p>1 of Mr. Stojcevski.</p> <p>2 MR. PERAKIS: Bob, for the record 3 you are aware that Ms. Bingham, was 4 dismissed out of the case, right?</p> <p>5 MR. GAZALL: I am.</p> <p>6 Q He listed somebody who is liable. I am 7 going through, I understand it was dismissed to go 8 ahead, and answer the question, sir.</p> <p>9 A I don't recall.</p> <p>10 Q Dr., let's continue.</p> <p>11 Can you please tell me the date of the 12 act or inaction, of Michael Bey-Shelly, that 13 proximately caused the death of Mr. Stojcevski?</p> <p>14 A I don't recall.</p> <p>15 Q Can you please tell me the act or 16 inactions of Ms. Breen that proximately caused the 17 death of Mr. Stojcevski?</p> <p>18 A I don't recall.</p> <p>19 Q Now, I think I asked you on these so 20 can you clarify.</p> <p>21 Can you please tell me the date of the 22 action or inactions of Ms. Pavey, that proximately 23 caused the death of Mr. Stojcevski?</p> <p>24 A What is the name?</p> <p>25 Q Ms. Pavey.</p>
<p style="text-align: right;">Page 62</p> <p>1 Q Heather Ehrlich, can you tell me the 2 date of any act or inaction that proximately called 3 the death of Mr. Stojcevski?</p> <p>4 A I don't recall.</p> <p>5 Q Ms. Williams, Ms. Teresa Williams. 6 Any act or inaction that she performed 7 or did, the date that proximately caused the death 8 of Mr. Stojcevski?</p> <p>9 A I don't recall.</p> <p>10 Q Ms. Nelson, could you please tell me 11 the date of any act or inaction that proximately 12 caused the death of Mr. Stojcevski?</p> <p>13 A I don't recall.</p> <p>14 Q Ms. Bertram, can you please tell me the 15 date and act or inaction that proximately cause the 16 death of Mr. Stojcevski?</p> <p>17 A I don't recall.</p> <p>18 Q Ms. Breen, can you please tell me the 19 date of the act or inaction that proximately caused 20 the death of Mr. Stojcevski?</p> <p>21 A I don't recall.</p> <p>22 Q Should say proximately caused.</p> <p>23 A The same with Ms. Bingham.</p> <p>24 Can you please tell me the date of the 25 act or inaction that proximately caused the death</p>	<p style="text-align: right;">Page 64</p> <p>1 A I don't recall.</p> <p>2 Q Can you please tell me the date or the 3 date of act or inactions, of Ms. Barber, that 4 proximately caused the death of Mr. Stojcevski?</p> <p>5 A I don't recall.</p> <p>6 Q Before we go down that list. We were 7 talking about Mr. Arft. You said Mr. Arft trained 8 staff on the typical guidelines.</p> <p>9 What clinical guidelines, are you 10 referring to?</p> <p>11 A I have already testified the clinical 12 guidelines.</p> <p>13 Q What specifically did he fail to train 14 them on, and I have your file up here, as well.</p> <p>15 Could you identify the document in the 16 record here?</p> <p>17 Don't help him find documents.</p> <p>18 MR. PERAKIS: He can't see it.</p> <p>19 MR. CHAPMAN: No, you can't see 20 it and identify for him.</p> <p>21 MR. PERAKIS: Ask him questions 22 about your policies and procedures. You 23 have copies of them. It is your client. 24 If you want answers, you ask questions.</p> <p>25 MR. CHAPMAN: I am waiting for</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 65–68

<p style="text-align: right;">Page 65</p> <p>1 the answer right now.</p> <p>2 MR. PERAKIS: This is how he is</p> <p>3 testifying at this point. You have his</p> <p>4 report. You have full ability to look</p> <p>5 at the report and make the</p> <p>6 determinations how he based his opinion.</p> <p>7 If you don't want to do it, that is fine</p> <p>8 by me.</p> <p>9 MR. CHAPMAN: Please don't help</p> <p>10 him find documents.</p> <p>11 MR. PERAKIS: I can do what I</p> <p>12 want.</p> <p>13 MR. CHAPMAN: You cannot direct</p> <p>14 him to find documents.</p> <p>15 Let the record reflect, that</p> <p>16 Mr. Perakis is looking at the document</p> <p>17 trying to get him to answer questions.</p> <p>18 MR. PERAKIS: Let the record</p> <p>19 reflect, they are in his report the</p> <p>20 specific notification to you of the</p> <p>21 specific policy, and why it was</p> <p>22 violated. You don't want to talk about</p> <p>23 his report, and that is okay. If you</p> <p>24 don't want more information about his</p> <p>25 report, go for it, then finish the dep</p>	<p style="text-align: right;">Page 67</p> <p>1 MR. CHAPMAN: There is a question,</p> <p>2 on the table.</p> <p>3 MR. PERAKIS: Take a break.</p> <p>4 MR. CHAPMAN: Continue to the</p> <p>5 documents.</p> <p>6 THE WITNESS: I can't find the</p> <p>7 documents right now. I have cited the</p> <p>8 bates numbers and those should be</p> <p>9 available through, either parties.</p> <p>10 MR. CHAPMAN: I appreciate that,</p> <p>11 sir. I would like you to find it on the</p> <p>12 documents you have.</p> <p>13 Those are the only documents you looked</p> <p>14 at. If you continue to do it, if you</p> <p>15 are refusing to look through your file</p> <p>16 to find a document then say you refused</p> <p>17 it; otherwise, I have the time. It is</p> <p>18 my deposition. Look for them.</p> <p>19 MR. PERAKIS: For the record, he</p> <p>20 has already told you he tried looking</p> <p>21 for them. He can't find that. He</p> <p>22 already said that. If you want more,</p> <p>23 you are not going to get it. If you</p> <p>24 want to know the truth about his report,</p> <p>25 ask him about the report. If you want</p>
<p style="text-align: right;">Page 66</p> <p>1 and be done with this.</p> <p>2 He is giving you the report.</p> <p>3 Look at it.</p> <p>4 A I don't know how to find it. Well, they</p> <p>5 are in here some way. I don't know how to find it.</p> <p>6 Q I am waiting for you to find it, sir?</p> <p>7 A I know, you are.</p> <p>8 Q This flash drive that you have in the</p> <p>9 computer, the court reporter is kind enough to loan</p> <p>10 us, is the way you received the files from</p> <p>11 Mr. Perakis, correct?</p> <p>12 A That is correct.</p> <p>13 Q Those are the ways, you would have</p> <p>14 looked at it. I opened every file. Now, you can</p> <p>15 continue to find them.</p> <p>16 MR. PERAKIS: What is the point</p> <p>17 here if he referenced your policies,</p> <p>18 that you are well aware of, in his</p> <p>19 report, that is sufficient for you to</p> <p>20 question him about. If you are claiming</p> <p>21 that somehow he doesn't have the</p> <p>22 documents, I don't know what to tell you</p> <p>23 except he had them. If they are not in</p> <p>24 here, that doesn't do anything for you.</p> <p>25 Take a break.</p>	<p style="text-align: right;">Page 68</p> <p>1 to talk bull, do it. If you want to</p> <p>2 bring up some technicality that you</p> <p>3 think is important, go for it.</p> <p>4 MR. CHAPMAN: You are being</p> <p>5 unprofessional, Mr. Perakis.</p> <p>6 Pejorative. Let me just ask the</p> <p>7 questions.</p> <p>8 MR. PERAKIS: You are being</p> <p>9 pejorative.</p> <p>10 Q Dr., I prefer you to look through.</p> <p>11 If you have exhausted every file in</p> <p>12 that folder and you say it is not there, then tell</p> <p>13 me it is not there.</p> <p>14 A I have cited the page. I have not</p> <p>15 looked through every single folder.</p> <p>16 Q Could you please look through that</p> <p>17 folder?</p> <p>18 A There are thousands of pages here.</p> <p>19 Q Look through them, Dr. I am ready to</p> <p>20 wait.</p> <p>21 MR. PERAKIS: This will be the</p> <p>22 full deposition then won't it.</p> <p>23 If he doesn't want to ask you</p> <p>24 questions about your report. That is</p> <p>25 fine.</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 69–72

<p style="text-align: right;">Page 69</p> <p>1 THE WITNESS: Okay, I would like 2 to take the flash drive out of this and 3 put it on the Mac, that would be easier 4 so. 5 (A break was taken at 11:24 a.m.) 6 (The deposition resumed at 11:35 7 a.m.) 8 Q Dr., we have been or you have been 9 looking at the computer screen for about ten 10 minutes or so, trying to find these clinical 11 guidelines and you are -- am I correct, unable to 12 locate them on your floor drive at least with the 13 amount of time you have looked at them? 14 A That is correct. 15 Q You haven't looked through everything, 16 you couldn't find them in the ten minutes or so 17 looking through it? 18 A That is correct. 19 Q You had mentioned clinical guidelines. 20 What do you been mean by clinical 21 guidelines? 22 A Clinical guidelines is a term of art, I 23 guess, that are generally accepted guidelines based 24 in large part in science, as to how to handle 25 certain situations. They are used for physicians</p>	<p style="text-align: right;">Page 71</p> <p>1 write a policy for your staff that says this is 2 about what we are going to do, correct? 3 A Yes, but the access to the phone 4 wouldn't be clinical standard of care. 5 Q My hypothetical, the phone is sitting 6 there. I am using as an example for you, the 7 standard of care, you check somebody's blood 8 pressure every 4 hours. I want to run a superior 9 organization so we are going to check this person's 10 blood pressure every two hours. 11 I could do that, correct? 12 A Yes. 13 Q That would be superior to the standard 14 of care that everybody else is doing, if that truly 15 was the standard of care, every four hours. 16 A If waking people up every two hours, 17 instead of every four hours, that would be below 18 the standard of care. 19 Q You are going way beyond and adding. 20 Don't add to my questions. 21 MR. PERAKIS: Let him finish your 22 question. 23 A I understand what you are saying, but I 24 just can't think of examples, giving people more 25 medication would not necessarily be better. Giving</p>
<p style="text-align: right;">Page 70</p> <p>1 and health care staff. 2 Q And you agree that guidelines are not, 3 they don't make the standard of care or they don't 4 determine what is deliberately, indifferent, 5 correct; if you don't know the case law, say you 6 don't know. 7 A They don't determine deliberate 8 indifference, that is correct. They are the CCS, 9 clinical guidelines for in 2014 were excellent, 10 they were based on standard of care. 11 Q A facility, could a facility, any 12 facility we could deal specifically with jails and 13 prisons, if that is what you are more familiar 14 with, but a facility could create policy or 15 clinical guidelines far superior to the standard of 16 care, correct? 17 A I don't know what the word, superior 18 means in terms of standard of care. 19 MR. PERAKIS: Let him finish his 20 question. 21 Q For example, if the standard of care 22 says, that you should give somebody access to the 23 phone every 30 minutes, and your guidelines states, 24 you know what we are going to give somebody access 25 to the phone every 15 minutes, you could do that,</p>	<p style="text-align: right;">Page 72</p> <p>1 people more observation, might not be better. 2 Clinical guidelines are based on, the 3 best information that people have at that point in 4 time, based on evidence, usually clinical trials, 5 or other scholarly work as to what works best. 6 Q In your opinion CCS clinical 7 guidelines, or what was the term you used? 8 A More than adequate. They were good. 9 They are good. 10 Q Now, you said that you believed that 11 Mr. Arft's action of not training people on the 12 clinical guidelines proximately caused the death of 13 Mr. Stojcevski. 14 What evidence do you have that he 15 didn't personally train people? 16 A I didn't exactly say that. He didn't 17 insure that training and supervision happened. 18 What evidence is that they, every 19 single health care professional, who was involved 20 in this case, acted in a manner contrary to the 21 clinical guidelines, so he couldn't have 22 successfully trained them and had them supervised 23 or had them trained and supervised. 24 Q I had gone through everybody you 25 listed, all the health care people, and asked you</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 73–76

<p style="text-align: right;">Page 73</p> <p>1 to tell me what this action or inaction they did, 2 that was contrary to clinical guidelines. 3 Be specific. You said, you couldn't do 4 that. 5 A I answered that generally for all of 6 them. 7 Specifically, for all of them I 8 couldn't give you the dates and times. 9 Q Or specific actions? 10 A Well, it was inactions. It was their 11 inactions, this is a tragedy with inaction. 12 Q Let he give you an example here, sir. 13 Ms. DeLuca was involved in the intake 14 on June 11th, and never again was involved in 15 anything to do with Mr. Stojcevski who died 16 days 16 later. 17 How could anything she have done, 18 proximately cause his death? 19 A She didn't verify his medication. 20 Q What did that have to do with causing 21 his death? 22 A Had they verified his medication, he 23 would have been perhaps treated differently. 24 Q Perhaps you don't know, that he would 25 have.</p>	<p style="text-align: right;">Page 75</p> <p>1 is protocol for opiates. 2 Did they do that? 3 A I don't know, because there was a page 4 missing. 5 Page one of the COWS protocol was 6 missing. 7 Q You don't know, whether the COWS 8 protocol was implemented? 9 A I know part of it was, page two and 10 beyond. I don't know about page one, that wasn't 11 produced in discovery to me. 12 Q Did Ms. DeLuca, start the COWS 13 protocol? 14 A I don't recall. 15 Q Let's assume hypothetically that she 16 started the COWS protocol, isn't that the treatment 17 you get when you are on methadone? 18 A COWS protocol is not a treatment, it is 19 a monitoring. It is a tracking. 20 Q I am confused as to why you said it 21 does call for certain things including some 22 medications to be given, doesn't it? 23 A Only by a physician's order it is 24 monitoring signs and symptoms and vital signs. 25 Q So what treatment --</p>
<p style="text-align: right;">Page 74</p> <p>1 A If they were doing a good job they 2 would have treated him differently. 3 Q He came in and said that he took 4 Methadone, what he said on his intake, correct? 5 A Yes. 6 Q He was asked what medications did he 7 take, he chose to lie and not say he was taking 8 Xanax and, Klonopin and heroine and cocaine, and 9 all the other stuff he was taking, is that correct? 10 MR. PERAKIS: Objection. No 11 basis. 12 A All I can say, he did not reveal that 13 information at the time. I wouldn't say that he 14 chose to lie. 15 Q What do you call it when you don't tell 16 a health care provider who says, give me all the 17 medication you are on? 18 A People might not have the presence of 19 mind to mention it, or they don't want to mention 20 it, at that time. 21 He did reveal that information later. 22 Q Methadone, when you are on methadone 23 generally, according to the CCS policies would 24 require the implementation COWS protocol, correct? 25 Methadone is an opiate. COWS protocol</p>	<p style="text-align: right;">Page 76</p> <p>1 A COWS protocol, again passive voice, 2 protocols can't call for anything, but there is the 3 COWS protocol is a scoring system and has certain 4 scoring points, the physician should be notified, 5 and the physician or other practitioner might order 6 medication. 7 Q If I give you some medical records, 8 turn to page 7, 8 and 9. I think, you might see 9 Nurse DeLuca started the COWS protocol and 10 performed her intake. 11 I know you are not a nurse, but tell me 12 specifically what she did wrong there? 13 A What page? 14 Q 7, 8, 9. 15 MR. PERAKIS: To the extent he is 16 not a nurse, you made it clear, he 17 doesn't have certain training. There 18 are other experts that will handle that 19 aspect of it. 20 But, if you wish him to opine in 21 an area you are an expert in, go ahead. 22 Q You are opining Nurse DeLuca, did 23 something wrong? 24 A I already answered your question that 25 was in regard to not having medications verified or</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 77–80

<p style="text-align: right;">Page 77</p> <p>1 not making sure his reported medication were 2 verified.</p> <p>3 Q I am saying to you, how did not 4 verifying that he in fact was taking methadone, on 5 June 11th, proximately cause his death on June 6 27th?</p> <p>7 A Because, had they verified his 8 methadone they would have found the prescriptions 9 that he had for the benzodiazepine medications; 10 Xanax and Klonopin.</p> <p>11 Q Who was prescribing the methadone, to 12 him?</p> <p>13 Where did he get the Methadone from?</p> <p>14 A I don't know.</p> <p>15 Q How do you know they would have found 16 out he was on benzodiazepine and Klonopin?</p> <p>17 A Because it, the --</p> <p>18 Q You are guessing?</p> <p>19 A I know how it works in New York and 20 Massachusetts. I assume it works the same in 21 Michigan.</p> <p>22 Q You are guessing?</p> <p>23 A I am not guessing. I am making an 24 educated assumption.</p> <p>25 There is a medication profile, whoever</p>	<p style="text-align: right;">Page 79</p> <p>1 The only information Ms. DeLuca had is, 2 he was taking methadone, she didn't have any other 3 information he was on any other drug.</p> <p>4 What you are saying is, what she should 5 assume that he was taking all kinds of other drugs?</p> <p>6 A No, I answered that question, already.</p> <p>7 Q Since the only drug he said he was 8 taking was methadone and methadone is never 9 prescribed in a jail?</p> <p>10 A No.</p> <p>11 Q Not in Macomb County Jail?</p> <p>12 A Is that your testimony?</p> <p>13 Q Macomb County Jail doesn't prescribe 14 it?</p> <p>15 A Thank you for your testimony.</p> <p>16 Q He would have been put on COWS protocol 17 and he was.</p> <p>18 You see 7, 8 and 9, he was by Ms. 19 DeLuca.</p> <p>20 How could anything she had done 21 conceivably led to this gentleman's death?</p> <p>22 MR. PERAKIS: How many times. 23 Have you answered that question?</p> <p>24 THE WITNESS: I have answered 25 that question.</p>
<p style="text-align: right;">Page 78</p> <p>1 was prescribed the methadone and whoever was 2 administering the methadone would have a record of 3 all the other active prescriptions that he was on.</p> <p>4 Q Let's follow your rational basis, had 5 she done that, would have presented something that 6 have occurred 16 days later, but 6 days later, the 7 17th, and 18th, he said he was taking Klonopin and 8 Xanax, right?</p> <p>9 A Yes.</p> <p>10 Q He got the things on 16th, and 17th or 11 17th and 18th?</p> <p>12 A They did.</p> <p>13 Q How did whatever she did on the 11th, 14 cause this gentleman's death?</p> <p>15 A It was an example of inaction of 16 ignoring a potential medical need, which put him at 17 serious risk at harm.</p> <p>18 This is not a malpractice issue. This 19 is a, risk of harm, is a very serious thing. It is 20 very serious condition, and her inaction as well as 21 all the other health care staff inaction, together, 22 it describes a systematic inattention to this 23 patient's serious medical needs.</p> <p>24 Q I am not asking about all the others. 25 I am focusing on Ms. DeLuca, now.</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. PERAKIS: He is not answering, 2 it anymore.</p> <p>3 He answered it three times. Move 4 on.</p> <p>5 Q Now, Mr. Perakis made a statement 6 earlier you are not a nurse, you are not giving 7 testimony as to whether nurses did anything against 8 the standard of care deliberately?</p> <p>9 MR. PERAKIS: You have answered 10 the question and he answered it, as to 11 the nurses. As to each nurse.</p> <p>12 You are the one that asked the 13 questions.</p> <p>14 MR. CHAPMAN: Will you shut up. 15 Say form and foundation.</p> <p>16 Read the court rules.</p> <p>17 MR. PERAKIS: Listen, let me tell 18 you something. I can say whatever you 19 want, if what you are doing on the one 20 hand asking him questions about people 21 where he is not an expert.</p> <p>22 On the other hand, you are saying 23 he can't testify to it.</p> <p>24 MR. CHAPMAN: I never said he 25 can't testify.</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 81–84

<p style="text-align: right;">Page 81</p> <p>1 Simply ask him the question.</p> <p>2 I am asking questions not directing</p> <p>3 anything.</p> <p>4 MR. PERAKIS: He is smarter than I</p> <p>5 am.</p> <p>6 I don't know, what you are</p> <p>7 talking about.</p> <p>8 MR. CHAPMAN: Answer the question</p> <p>9 please, Dr.</p> <p>10 MR. PERAKIS: You already answered</p> <p>11 it, haven't you?</p> <p>12 THE WITNESS: Yes.</p> <p>13 Q Yes to what?</p> <p>14 A I answered the question about</p> <p>15 medication, about how her failure to verify</p> <p>16 medications contributed to my conclusion, about</p> <p>17 systemic failures to reduce risk of harm that lead</p> <p>18 to the death of this patient.</p> <p>19 Q Continue to explore this about Ms.</p> <p>20 DeLuca.</p> <p>21 What was the serious medical need that</p> <p>22 you are aware of at the time, that she failed to</p> <p>23 act on?</p> <p>24 A She failed to?</p> <p>25 Q What was the serious medical need?</p>	<p style="text-align: right;">Page 83</p> <p>1 very much, in that would be in this CCS, is hunger</p> <p>2 strike policy.</p> <p>3 Q It is the hunger strike policy unless</p> <p>4 made aware that somebody was on a hunger strike,</p> <p>5 right?</p> <p>6 A Oh, these nurses that saw him enough</p> <p>7 times to know he was lying on the floor naked with</p> <p>8 tremors, and being unresponsive. It was derelict</p> <p>9 in their duty to care for their patient not to</p> <p>10 inquire, whether he was eating or drinking and how</p> <p>11 much he was eating or drinking.</p> <p>12 This is acceptable accept for the last</p> <p>13 three days, when they totally abandoned him as they</p> <p>14 were dying.</p> <p>15 They saw him almost every day, the</p> <p>16 nurses and as did the mental health workers.</p> <p>17 Q Do you know how many people lie on the</p> <p>18 floor naked, in high observation?</p> <p>19 A Two.</p> <p>20 Q Two?</p> <p>21 A No, you are asking how many.</p> <p>22 What do you mean how many?</p> <p>23 Q Is it a common thing, does it happen</p> <p>24 all the time, is it infrequent?</p> <p>25 A No, it is not common. It happens</p>
<p style="text-align: right;">Page 82</p> <p>1 A The serious medical need, potential</p> <p>2 from withdrawal from benzodiazepine.</p> <p>3 Q That is not a need she was aware of.</p> <p>4 A She would have become aware of it, if</p> <p>5 she done her job.</p> <p>6 Q She was not aware of it, on the 11th.</p> <p>7 He didn't tell her, correct?</p> <p>8 A He didn't tell her she would have been</p> <p>9 aware of it, had she done her job.</p> <p>10 Q My question to you is: What is the</p> <p>11 serious medical need she was aware of; not the</p> <p>12 potential future need she might have been aware of,</p> <p>13 if she had done something.</p> <p>14 What is the serious medical need she</p> <p>15 was aware on July 11th, other than he was on</p> <p>16 methadone and needed to be placed on the COWS</p> <p>17 protocol?</p> <p>18 A That is it.</p> <p>19 Q Now, you said with respect to Mr. Arft,</p> <p>20 he didn't you said something relating to intake and</p> <p>21 output documentation. Where is there any</p> <p>22 requirement to do intake and output documentation</p> <p>23 of somebody in high observation?</p> <p>24 A It would be required for someone who is</p> <p>25 not eating or drinking, or not eating or drinking</p>	<p style="text-align: right;">Page 84</p> <p>1 sometimes.</p> <p>2 Q Have you read the deposition of all the</p> <p>3 corrections officers who say it is pretty darn</p> <p>4 common, it is not an unusual thing?</p> <p>5 MR. PERAKIS: For the record,</p> <p>6 they not uncommon. They didn't say it</p> <p>7 was common, that it happens a lot.</p> <p>8 MR. CHAPMAN: Don't testify.</p> <p>9 MR. PERAKIS: You are testifying.</p> <p>10 MR. CHAPMAN: He can tell me if he</p> <p>11 believes I am wrong. He has read the</p> <p>12 transcript, I assume. Answer the</p> <p>13 question.</p> <p>14 A I read the depositions, and I have also</p> <p>15 been in approximately three hundred correctional</p> <p>16 facilities in the course of my career.</p> <p>17 Q You haven't been in Macomb County?</p> <p>18 A No, sorry, I missed that. It happens,</p> <p>19 but it is not -- when that happens, it is people</p> <p>20 with very, very serious medical needs, whether it</p> <p>21 is mental illness, or physical illness that is</p> <p>22 causing that. It is not a healthy state, it is not</p> <p>23 a healthy state to be lying on the floor naked with</p> <p>24 tremors.</p> <p>25 Q With what?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 85–88

<p style="text-align: right;">Page 85</p> <p>1 A Tremors and babbling. It is a clear</p> <p>2 sign of serious acute, serious medical need.</p> <p>3 Q Do you know that whenever the nurses</p> <p>4 saw him, his vital signs were normal?</p> <p>5 A No, I don't think his vital signs were</p> <p>6 being taken after the first few days.</p> <p>7 Q You looked at the jail logs have you?</p> <p>8 A I may have. I don't recall.</p> <p>9 Q 4 times in the jail logs, that the</p> <p>10 nurses were in, and vital signs were done?</p> <p>11 A I would have to go back and look.</p> <p>12 Q You are not here giving testimony as to</p> <p>13 whether or not the nurses violated some sort of</p> <p>14 standards, correct?</p> <p>15 A I would like to.</p> <p>16 Q You are not a nurse, are you?</p> <p>17 A I am not a nurse.</p> <p>18 Q You never trained nurses, did you?</p> <p>19 A But I oversee medical care for three</p> <p>20 federal judges in three large jails in the United</p> <p>21 States. I have managed nursing care in a state</p> <p>22 correctional system, what at the time was the</p> <p>23 largest jail in the United States.</p> <p>24 Q Ancient history 30 years ago.</p> <p>25 A Not the New York State Prison System.</p>	<p style="text-align: right;">Page 87</p> <p>1 MR. CHAPMAN: Form and</p> <p>2 foundation.</p> <p>3 Counselor, go back to law school.</p> <p>4 Can you answer my question, sir?</p> <p>5 A This is just another example of the</p> <p>6 health care staff not following sound correctional</p> <p>7 health care policies.</p> <p>8 Q Could you answer my question, you are</p> <p>9 given hypothetical that had they had done this they</p> <p>10 would have found this.</p> <p>11 What if assessment was done on the June</p> <p>12 15?</p> <p>13 MR. PERAKIS: It was</p> <p>14 hypothetical.</p> <p>15 MR. CHAPMAN: You are so abusive</p> <p>16 in violating the ethical rules of taking</p> <p>17 the deposition.</p> <p>18 Answer the question, Dr., please.</p> <p>19 A If it was done on the 15th, they might</p> <p>20 have missed it.</p> <p>21 Q He was in the COWS protocol, until the</p> <p>22 evening of the 15th, the morning of the 16th,</p> <p>23 correct?</p> <p>24 A Don't recall.</p> <p>25 Q His assessments were done everyday</p>
<p style="text-align: right;">Page 86</p> <p>1 That was twenty something years.</p> <p>2 I don't think that kind of nursing care</p> <p>3 has changed as much over the decades. Other things</p> <p>4 have changed.</p> <p>5 Q Look at your report paragraph 25,</p> <p>6 please.</p> <p>7 If I am reading that correctly, one of</p> <p>8 your criticism is the 14 day, health assessment and</p> <p>9 screening wasn't completed.</p> <p>10 So arguably, it was two days later?</p> <p>11 A It wasn't done at all.</p> <p>12 Q I understand he died on the 16th day.</p> <p>13 It was two days late, so is it really your</p> <p>14 testimony that being two days late somehow was</p> <p>15 deliberate, and caused this person's death?</p> <p>16 A Yes, because had they done the 14 day</p> <p>17 assessment they would have begun to evaluate the</p> <p>18 cause of his physical and mental status and</p> <p>19 discovered that he was not well, and that he needed</p> <p>20 hospital care.</p> <p>21 Q What is the 14 day assessment, that was</p> <p>22 done on June 15?</p> <p>23 MR. PERAKIS: Objection it not</p> <p>24 part of the evidence in the record.</p> <p>25 Nothing in that.</p>	<p style="text-align: right;">Page 88</p> <p>1 taking vitals every so many hours, correct?</p> <p>2 A There were vital signs, taken the first</p> <p>3 few days, of incarceration?</p> <p>4 Q He had a complete assessment within,</p> <p>5 almost daily by the nurses, one could argue that?</p> <p>6 A That would be your testimony following</p> <p>7 the COWS protocol, is not a complete assessment, a</p> <p>8 physical assessment by an LPN; it is not an</p> <p>9 adequate assessment.</p> <p>10 Just taking vital signs and asking</p> <p>11 about selected focused symptoms, is not a</p> <p>12 comprehensive health assessment in the sense that</p> <p>13 that term is used, by the National Commission on</p> <p>14 Correctional Health Care or the American</p> <p>15 Correctional Association or the American Jail</p> <p>16 Association.</p> <p>17 Q Dr., doing an assessment and even</p> <p>18 having the policy that everybody gets assessed in</p> <p>19 the 14 days, is really to protect those people that</p> <p>20 have no contact with medical at all, and that they</p> <p>21 are seen by somebody within 14 days, isn't that</p> <p>22 really if you look at the underlying notes, if we</p> <p>23 are going to talk about the NCC, as to why that</p> <p>24 policy is there?</p> <p>25 A That is part of it.</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 89–92

<p style="text-align: right;">Page 89</p> <p>1 It is also to pick up things that might</p> <p>2 have been missed during the initial assessment,</p> <p>3 where the whole story doesn't always get told for a</p> <p>4 variety of reasons, during the initial assessment,</p> <p>5 so it is to give it a little bit of time and sit</p> <p>6 down when people are sober and feeling a little</p> <p>7 better, than the day they get arrested and detained</p> <p>8 say, okay let's go over again, let's go over your</p> <p>9 medical history and drug use history, let's do a</p> <p>10 physical examination and a physical examination,</p> <p>11 include the mental status exam including a</p> <p>12 neurological screen, it includes listening to heart</p> <p>13 and lungs and feeling the belly.</p> <p>14 Had that been done anywhere around his</p> <p>15 so called 14 day, they would have determined that</p> <p>16 he was really, really not well.</p> <p>17 MR. PERAKIS: Take a break.</p> <p>18 (A break was taken at 11:50 a.m.)</p> <p>19 (The deposition resumed at 11:52</p> <p>20 a.m.)</p> <p>21 Q 36 to 41, has the specification.</p> <p>22 One thing I am looking at on June 17th</p> <p>23 at 1750 hours, Michael Bey-Shelley responded to the</p> <p>24 call performed an assessment, brought the inmate</p> <p>25 down to be seen by the doctor?</p>	<p style="text-align: right;">Page 91</p> <p>1 MR. CHAPMAN: I said, is that</p> <p>2 correct; listen please.</p> <p>3 MR. PERAKIS: I am listening.</p> <p>4 A It is not clear to me that Dr. Sherman</p> <p>5 saw Mr. Stojcevski on the 17th. He was brought</p> <p>6 down by the nurse that I saw documentation of that,</p> <p>7 but it is my recollection there was no progress</p> <p>8 note or records of that encounter, and then there</p> <p>9 was an entry of June 24th, which might have</p> <p>10 referred back to June 17th or to June 23rd.</p> <p>11 Q Why don't you turn to page 16, of the</p> <p>12 medical record, while you are doing that, if you</p> <p>13 can answer a question.</p> <p>14 You are aware that there was only one</p> <p>15 medical doctor at the jail that is Dr. Sherman, one</p> <p>16 physician?</p> <p>17 A Right.</p> <p>18 Q Do you see where Michael Bey-Shelley in</p> <p>19 her note says, physician into access and speak with</p> <p>20 patient, for the 17th?</p> <p>21 A Could you just let me read it?</p> <p>22 Q Sure.</p> <p>23 A There is no clinical note by Dr.</p> <p>24 Sherman.</p> <p>25 Q That is not my issue. She writes her</p>
<p style="text-align: right;">Page 90</p> <p>1 36 to 41, has a whole bunch of</p> <p>2 allegations regarding Michael Bey-Shelley talking</p> <p>3 about the June 17, 715 hours.</p> <p>4 What more are you saying she should</p> <p>5 have done?</p> <p>6 A I am sorry, 36 I don't see.</p> <p>7 Q Talking here about him being brought</p> <p>8 down to Dr. Sherman.</p> <p>9 You know that Michael Bey-Shelley is</p> <p>10 the one who saw him and brought him down to see Dr.</p> <p>11 Shelly, are you aware of that?</p> <p>12 A Yes.</p> <p>13 Q There is not much more the nurse can do</p> <p>14 than go up do an assessment if she feels the person</p> <p>15 needs a doctor bring him down to see the doctor,</p> <p>16 right?</p> <p>17 A In that case, yes, in that case, yes.</p> <p>18 Q Michael Bey-Shelley saw him again on</p> <p>19 the 18th with Ms. Cueny and on the later on the</p> <p>20 17th, with another nurse where he said he was</p> <p>21 taking Xanax. Both the Xanax and Klonopin was</p> <p>22 reported to Dr. Sherman on the 18th by Ms. Cueny,</p> <p>23 correct, along with her assessment of the 18th?</p> <p>24 MR. PERAKIS: Is that your</p> <p>25 testimony?</p>	<p style="text-align: right;">Page 92</p> <p>1 note, she says the physician is in to see him,</p> <p>2 physician into access.</p> <p>3 A I don't know, what that means.</p> <p>4 Q You did, you read her transcript?</p> <p>5 A I did.</p> <p>6 Q What did she say about that?</p> <p>7 A She said, Dr. Sherman saw him, the</p> <p>8 patient.</p> <p>9 Q Do you have any evidence to suggest</p> <p>10 that Michael Bey-Shelley, is not telling the truth?</p> <p>11 A No.</p> <p>12 Q Now, later on the 17th, he is seen</p> <p>13 again?</p> <p>14 A Who we don't know what Dr. Sherman did,</p> <p>15 if he did see this patient, did he look, did he</p> <p>16 evaluate, did he examine, did he get a history.</p> <p>17 MR. CHAPMAN: Move that, that be</p> <p>18 stricken.</p> <p>19 My question isn't about what Dr.</p> <p>20 Sherman did. What did Michael</p> <p>21 Bey-Shelley, she brought the patient</p> <p>22 down, put him in an observation room and</p> <p>23 testified the doctor was in to see him.</p> <p>24 Q That is about all you can expect an LPN</p> <p>25 to do, isn't it?</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 93-96

<p style="text-align: right;">Page 93</p> <p>1 A Yes.</p> <p>2 Q Later on that night and the next</p> <p>3 morning, later on that night, she went to see him</p> <p>4 and the next morning, she went to see him with Ms.</p> <p>5 Cueny, he said he had taken Xanax and taken</p> <p>6 Klonopin and she was with the director of nursing,</p> <p>7 correct?</p> <p>8 A Yes.</p> <p>9 Q It would be reasonable for an LPN to</p> <p>10 assume that the director of nursing would follow-up</p> <p>11 with a phone call to the doctor and what needed to</p> <p>12 be taken care of, right?</p> <p>13 A Yes, except for the verification which</p> <p>14 would have been done by the, LPN?</p> <p>15 Q The verification of what?</p> <p>16 A Xanax and Klonopin.</p> <p>17 Q You are assuming in some kind of a</p> <p>18 policy that says it was Michael Bey-Shelley to do</p> <p>19 something?</p> <p>20 A There is a policy that when --</p> <p>21 Q Don't give me a general policy.</p> <p>22 Tell me a specific policy, you might</p> <p>23 know that applies to Macomb County Jail CCS.</p> <p>24 If you don't know say you don't know,</p> <p>25 but don't give me a generalized one that you have</p>	<p style="text-align: right;">Page 95</p> <p>1 If you do, cite it to me, that is not</p> <p>2 what that policy says?</p> <p>3 A I don't recall, whether that is</p> <p>4 specified in the policy.</p> <p>5 Q We do know the director of nursing was</p> <p>6 in seeing the patient and wrote an extensive note?</p> <p>7 A The director of nursing wrote a note,</p> <p>8 yes.</p> <p>9 Q Look at the note. Seems to be</p> <p>10 extensive.</p> <p>11 Have you looked at a few notes in your</p> <p>12 time?</p> <p>13 A Perhaps.</p> <p>14 MR. PERAKIS: Page twenty.</p> <p>15 Q Have you read that note, before?</p> <p>16 A Yes.</p> <p>17 Q You would agree that that is a pretty</p> <p>18 extensive note isn't it?</p> <p>19 A That is a note, yes.</p> <p>20 Q Did you read her deposition?</p> <p>21 A I did.</p> <p>22 Q Did she say that she relayed that</p> <p>23 information together with that fact that she</p> <p>24 learned that he also was taking Xanax, to Dr.</p> <p>25 Sherman?</p>
<p style="text-align: right;">Page 94</p> <p>1 learned over the years of doing this.</p> <p>2 A Okay, I don't know the specific policy</p> <p>3 of the Macomb County Jail.</p> <p>4 Q We do know that those are the three</p> <p>5 times Ms. Michael Bey-Shelley had involvement with</p> <p>6 the patient, correct?</p> <p>7 A Yes.</p> <p>8 Q You would agree with me she did what</p> <p>9 she was supposed to do?</p> <p>10 A In those cases, yes.</p> <p>11 Q Ms. Cueny saw the patient one time on</p> <p>12 the 18th, correct?</p> <p>13 A Yes.</p> <p>14 Q You can look if you want on page 20, I</p> <p>15 believe. If you want the medical records, page 20,</p> <p>16 sir.</p> <p>17 A I do see paragraph 28.</p> <p>18 This CCS policy, medication services</p> <p>19 that talks about verifying prescriptions to assure</p> <p>20 continuity of care, so that is in my report, I will</p> <p>21 give the page cite.</p> <p>22 Q A generalized policy to verify, but you</p> <p>23 were saying that somehow it was the LPN's job.</p> <p>24 There is no policy that says in this</p> <p>25 context, it was Michael Bey-Shelley's job.</p>	<p style="text-align: right;">Page 96</p> <p>1 A Yes.</p> <p>2 Q Isn't that what a director of nursing</p> <p>3 or any nurse really should be, examine a patient,</p> <p>4 write a note if they believe it is necessary, call</p> <p>5 the doctor, accurately relay the information to the</p> <p>6 doctor?</p> <p>7 A That is one of the things they should</p> <p>8 do.</p> <p>9 They are independently licensed and</p> <p>10 they have an independent duty to let me -- let me</p> <p>11 read the language for you. In the -- this has to do</p> <p>12 with the initial health assessment.</p> <p>13 "It is the goal of CCS to prevent</p> <p>14 deterioration of the inmates health during</p> <p>15 incarceration and to improve vital functions with</p> <p>16 whenever possible."</p> <p>17 I think, talking with Dr. Sherman was</p> <p>18 the right thing to do, but I don't think that her</p> <p>19 duty ended there, because.</p> <p>20 Q Sir, I am not asking you to comment on</p> <p>21 that.</p> <p>22 You are not a nurse. You can't comment</p> <p>23 on what her duty was writing a note and calling the</p> <p>24 doctor.</p> <p>25 What you would expect the nurse to do,</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 97-100

<p style="text-align: right;">Page 97</p> <p>1 right?</p> <p>2 A Yes.</p> <p>3 Q Dr. Sherman responded to her, that is</p> <p>4 in his transcript, also in her transcript, also in</p> <p>5 a note, right?</p> <p>6 A Yes.</p> <p>7 Q And he made no further orders, correct?</p> <p>8 A Yes, correct.</p> <p>9 Q In other words, to get to the point, he</p> <p>10 did not place him, being Mr. Stojcevski, on</p> <p>11 benzodiazepine, CW protocol, correct?</p> <p>12 A Correct.</p> <p>13 Q Now, starting on the 18th, the mental</p> <p>14 health workers, Ms. Brock, B-R-O-C-K, based on the</p> <p>15 referral by Officer Campo, I believe, when up to</p> <p>16 assess whether or not, he could be removed from</p> <p>17 suicide watch.</p> <p>18 Do you understand that?</p> <p>19 A Okay. Could you say it again?</p> <p>20 Q Did you read the testimony of Ms.</p> <p>21 Brock?</p> <p>22 A Yes.</p> <p>23 Q Is it your understanding that she</p> <p>24 believed her function was to communicate or to</p> <p>25 assess the patient to determine the patient could</p>	<p style="text-align: right;">Page 99</p> <p>1 Q Any time I ask you to refer to a</p> <p>2 paragraph or document, take all the time to read</p> <p>3 it, tell me when you are done.</p> <p>4 A Okay, I have read it.</p> <p>5 Q For two definitions in, Websters</p> <p>6 Intercollegiate Dictionary, for refused.</p> <p>7 Quote, to express oneself as unwilling</p> <p>8 to accept, end quote or two quote to decline.</p> <p>9 Do you agree in a fair determination</p> <p>10 that Mr. Stojcevski declined to talk to her?</p> <p>11 A No.</p> <p>12 Q Did he talk to her?</p> <p>13 Answer my question.</p> <p>14 Did he talk to her?</p> <p>15 A No, but I disagree strongly.</p> <p>16 Q I don't care whether you disagree</p> <p>17 strongly or not. I am the one asking the</p> <p>18 questions.</p> <p>19 He did not talk to her on the 18th,</p> <p>20 19th, or 20th, correct?</p> <p>21 A That is correct because he was</p> <p>22 unresponsive, he was unable to.</p> <p>23 Q That is your determination, I am</p> <p>24 asking.</p> <p>25 A That is my opinion.</p>
<p style="text-align: right;">Page 98</p> <p>1 be removed from suicide watch.</p> <p>2 Is that what she testified was her job?</p> <p>3 A Yes.</p> <p>4 Q And you agree with me for the most</p> <p>5 part, she was the mental health worker that went up</p> <p>6 there the most, correct?</p> <p>7 A I would have to look back through my</p> <p>8 notes. That is possible.</p> <p>9 Q Assume for me, I think there were two</p> <p>10 other visits by two other people. She was there</p> <p>11 the majority of the time. Each time she went up</p> <p>12 there, she stated that he refused to talk to her,</p> <p>13 correct, or refused to cooperate with mental health</p> <p>14 providers, that is your exact words, correct?</p> <p>15 A That is what she said.</p> <p>16 Q That is what is in your report?</p> <p>17 A That is what she wrote, yes.</p> <p>18 Q Do you know what Websters definition</p> <p>19 of, refused, is?</p> <p>20 A Not offhand.</p> <p>21 Q Paragraph 65 of your report you accuse</p> <p>22 Kelly Mann and Chantelle Brock of fabricating, that</p> <p>23 he refused; paragraph, 65.</p> <p>24 Ask you a question.</p> <p>25 A I have it.</p>	<p style="text-align: right;">Page 100</p> <p>1 Q I don't want your opinion. I am asking</p> <p>2 you facts. The facts are, he did not talk to her</p> <p>3 on the 18th, 19th and 20th, correct?</p> <p>4 A That is correct.</p> <p>5 Q On the 21st, he did talk to her,</p> <p>6 correct?</p> <p>7 A I don't recall.</p> <p>8 Q Why don't you turn to page 29.</p> <p>9 MR. PERAKIS: Just for the</p> <p>10 record, Ron, the pages you are</p> <p>11 referencing are paginated and they just</p> <p>12 say MCJ Medical.</p> <p>13 D. Stojcevski, and then they have</p> <p>14 the page number.</p> <p>15 Q I have no idea if you could turn to</p> <p>16 page 29, should be the only page number on there?</p> <p>17 MR. PERAKIS: There is also pages</p> <p>18 two of two.</p> <p>19 MR. CHAPMAN: Those are the</p> <p>20 internal pages of the document. You know</p> <p>21 what I am referring to. The doctor,</p> <p>22 knows what I am referring to.</p> <p>23 Q Are you on page 9, Dr?</p> <p>24 A Yes.</p> <p>25 Q Here the note says, "MH staff received</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 101–104

<p style="text-align: right;">Page 101</p> <p>1 collateral information that patient fully engaged 2 with nursing staff prior to inmates visit." 3 Can you see that? MH staff received 4 collateral information that patient fully engaged 5 with nursing staff, prior to inmates visit. 6 Do you see that, Dr? 7 A Yes. 8 Q So, he was able to talk, correct? 9 A I didn't see that on the video. 10 Q Oh, now did you watch all the video 11 because before you told me you couldn't tell he 12 about that? 13 A I said, I watched the video. 14 Q I was questioning you on, you have a 15 gag order from the government and you can't talk to 16 me about it? 17 Which is it, can you or can't you? 18 A I don't know the answer to that. 19 Q Well, you have to give me the answer 20 now. 21 Which is the answer, you want to go 22 with? 23 A Okay, my question to your question is, 24 I can't verify that collateral information. 25 Q Here it says, "The nurse or the nurse</p>	<p style="text-align: right;">Page 103</p> <p>1 a question he is answering it. 2 Let him finish the question. You 3 don't let him finish the question. He 4 will stop answering your questions. 5 MR. CHAPMAN: Don't threaten me? 6 MR. PERAKIS: What was your 7 answer, Dr. 8 A My answer is, just because he had been 9 in a conversation, doesn't mean he was faking. 10 Withdrawal includes changes in cognition among 11 other things, that vary overtime. Things become 12 clear, then they become foggy. They become 13 responsive and unresponsive. 14 It is not simplistic the way you are 15 describing. 16 MR. CHAPMAN: Move to strike as 17 having your statement stricken. 18 Clearly, outside your expertise. 19 Q He did talk to her on the 21st, didn't 20 he? 21 A Yes. 22 Q He said, where is my medication, right? 23 A Yes. 24 Q He could talk to her and chose to talk 25 to her on the 21st, right?</p>
<p style="text-align: right;">Page 102</p> <p>1 mental health worker Brock said that she received 2 collateral information that he fully engaged with 3 nursing staff." 4 That is what she wrote there, correct? 5 A That is correct. 6 Q That is information she had and she 7 testified that he was talking to nurses, correct? 8 A That she heard that. 9 Q Isn't that a natural conclusion for 10 somebody to make, if somebody has the ability to 11 talk to other people and he won't talk to me, and 12 he has declined to talk to me? 13 A No, you have no -- 14 Q That is not a reasonable thing to 15 conclude. 16 A Not reasonable, you have no sense of 17 how these neurological conditions are. There are 18 people who are unresponsive one minute and perhaps 19 responsive another minute. 20 Q That is your opinion. You are not a 21 psychiatrist, a neurologist, you have no training 22 in regards to that so let's not go down that route. 23 MR. PERAKIS: He is answering 24 questions. Listen, he is not finished 25 answering your question. You asked him</p>	<p style="text-align: right;">Page 104</p> <p>1 A That doesn't mean he was able to. 2 Q I am not asking you what it means. 3 Acknowledge the fact that he did. 4 A I acknowledge that, but I don't 5 acknowledge the, could. 6 I don't acknowledge. You asked me if 7 he thereby could and I said no to that. 8 Q He opened his mouth and words came out, 9 that means he had the anatomical ability to speak, 10 right, words came out? 11 A He had the anatomical ability. 12 Q That is all, I asked you Dr. 13 I am not asking your opinion on that. 14 You don't have the expertise, to give your opinion. 15 MR. PERAKIS: Off the record. 16 (A discussion was held off the 17 record.) 18 A May I add an exact to an answer, I gave 19 a little bit earlier, in your, we were talking 20 about the documentation of Ms. Cueny's visit, with 21 Mr. Stojcevski. 22 She wrote that note on June 24th, which 23 was approximately one week after the encounter. 24 Q What fact do you base that on? 25 A It was a late entry that is marked on</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 105–108

<p style="text-align: right;">Page 105</p> <p>1 the record.</p> <p>2 Q Did you read her transcript?</p> <p>3 MR. PERAKIS: Ha, ha, ha, ha.</p> <p>4 MR. CHAPMAN: Mr. Perakis, you</p> <p>5 laugh and carry on, be quiet. Be quiet.</p> <p>6 Q Did you read it?</p> <p>7 A I did, I don't recall, what it says.</p> <p>8 Q Do you know that it says she put it in</p> <p>9 on the 18th, didn't hit submit and the computer</p> <p>10 system at that time had a problem and he hung up</p> <p>11 and they would not be posted until they were</p> <p>12 submitted.</p> <p>13 Did you follow that?</p> <p>14 A Blaming the computer is like blaming</p> <p>15 the victim.</p> <p>16 Q Did you read that?</p> <p>17 A I read it.</p> <p>18 Q Did you read it, when Mr. Arft said the</p> <p>19 same thing with the computer system, most of the</p> <p>20 nurses said the same thing.</p> <p>21 Did you read that?</p> <p>22 A I am reporting what is documented on</p> <p>23 page twenty of this set of medical records.</p> <p>24 Q I am asking you if you read that in</p> <p>25 your transcript to know their explanation for that?</p>	<p style="text-align: right;">Page 107</p> <p>1 consideration, but I also know with benzodiazepine</p> <p>2 withdrawal signs and symptoms can occur weeks after</p> <p>3 the last dose.</p> <p>4 Well, beyond the half-life of whatever</p> <p>5 drug it was.</p> <p>6 Q Are you aware of the currently</p> <p>7 identifiable stages of benzodiazepine withdrawal.</p> <p>8 Do you know them?</p> <p>9 A Yes.</p> <p>10 Q What are they?</p> <p>11 A They are autonomic reactions,</p> <p>12 elevations of pulse, blood pressure, of</p> <p>13 respiration.</p> <p>14 Q What you are giving me is the symptoms</p> <p>15 of someone going through withdrawal.</p> <p>16 That is not my question to you?</p> <p>17 Do you know the identifiable stages of</p> <p>18 benzodiazepine withdrawal, not the symptoms</p> <p>19 somebody might have?</p> <p>20 A I am not sure what you mean by that.</p> <p>21 Q Are you aware that there are specific</p> <p>22 stages of withdrawal that benzodiazepine, they are</p> <p>23 very specific things may or may not happen?</p> <p>24 A I don't know what you mean by, stages.</p> <p>25 Q That is fair, if you don't know you</p>
<p style="text-align: right;">Page 106</p> <p>1 A I already answered, yes.</p> <p>2 Q Did you also see, as an attachment the</p> <p>3 computer printout that said it was in fact posted</p> <p>4 on the 18th, it was put on the 18th, wasn't posted</p> <p>5 until the 24th.</p> <p>6 Did you see that?</p> <p>7 A I don't recall that.</p> <p>8 Q When is the last time if ever that you</p> <p>9 prescribed Xanax or Klonopin, to a patient?</p> <p>10 A I never did.</p> <p>11 Q Do you know the difference between</p> <p>12 Xanax and Klonopin, as far as clearing through the</p> <p>13 body?</p> <p>14 Don't guess, I want to know.</p> <p>15 A They, I know that they are different.</p> <p>16 Q Do you know the difference?</p> <p>17 A I don't know.</p> <p>18 Q Do you know the difference half-life of</p> <p>19 the two drugs?</p> <p>20 A No.</p> <p>21 Q Do you know if half-life means anything</p> <p>22 with respect to whether or not someone would begin</p> <p>23 withdrawal or go through withdrawal, or how long</p> <p>24 withdrawal might last; don't guess.</p> <p>25 A I know, that it is sometimes a</p>	<p style="text-align: right;">Page 108</p> <p>1 don't know.</p> <p>2 Are you aware that people that suffer</p> <p>3 from catatonia, do not have pain?</p> <p>4 A No.</p> <p>5 Q Do you know anywhere in the record or</p> <p>6 did you see from anything, did Mr. Stojcevksi ever</p> <p>7 tell anyone, he was in pain?</p> <p>8 A No.</p> <p>9 MR. CHAPMAN: Turn to your</p> <p>10 paragraph 61, please.</p> <p>11 If you want to read your paragraph</p> <p>12 first, go ahead and do that, then we</p> <p>13 will have a question for you.</p> <p>14 Ready.</p> <p>15 Q If you look down about, a little more</p> <p>16 than halfway over on the 5th line you use the</p> <p>17 phrase, "each of them made choices to ignore?"</p> <p>18 Do you see that phrase?</p> <p>19 A Yes.</p> <p>20 Q I have very specific questions to ask</p> <p>21 you.</p> <p>22 I am going to ask you 4 of them if you</p> <p>23 can tell me.</p> <p>24 I want to know: Specifically what</p> <p>25 choice, who made it, when they made it, and how it</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 109–112

<p style="text-align: right;">Page 109</p> <p>1 caused the death of Mr. Stojcevski, specifically.</p> <p>2 Not generalized. They made choices.</p> <p>3 I want to know the specific choice, who</p> <p>4 made it, when they made it, and how it caused his</p> <p>5 death.</p> <p>6 Or, if you can't do that because you</p> <p>7 are talking more systemic and it is more general</p> <p>8 say that?</p> <p>9 A Yes, I am talking systemic, generally.</p> <p>10 Q Look at page 63. Not page 63,</p> <p>11 paragraph 63. I will leave that.</p> <p>12 Go to paragraph 66. Please read that.</p> <p>13 A Out loud?</p> <p>14 Q No, no.</p> <p>15 Read it to yourself. Counsel, has</p> <p>16 stated that you need time to look at it, and you</p> <p>17 should.</p> <p>18 A Okay.</p> <p>19 Q Dr. Sherman testified that he only saw</p> <p>20 the patient once on the 17th, that is his</p> <p>21 testimony, correct?</p> <p>22 Do you agree?</p> <p>23 A Yes, but to contradict that, he wrote.</p> <p>24 Q That is not my question.</p> <p>25 I don't have a question posed to you.</p>	<p style="text-align: right;">Page 111</p> <p>1 So first identify when did he have</p> <p>2 altered consciousness, that Dr. Sherman ignored?</p> <p>3 A I need to go back to the medical</p> <p>4 records.</p> <p>5 Q Feel free.</p> <p>6 On the 17th, there is a documentation</p> <p>7 in the medical record that he was hallucinating and</p> <p>8 there is a note by LPN Bertram that patient was</p> <p>9 vaguely responsive, that he had all of his organs</p> <p>10 but ten percent of his heart had been removed and</p> <p>11 his arms had shredded a couple of days ago. All</p> <p>12 that was documented in the medical record, by the</p> <p>13 time that Dr. Sherman saw the patient. Also</p> <p>14 documented by, Nurse Cueny that he had fluttering</p> <p>15 eyelids, etcetera. So, he failed to do a physical</p> <p>16 examination and neurologic examination or a mental</p> <p>17 status examination, in the face of the patient who</p> <p>18 had, clear changes in mental status?</p> <p>19 Q I am confused, Dr.</p> <p>20 If you read the records, I am sure that</p> <p>21 you did on June 17th, he did do an examination of</p> <p>22 the patient.</p> <p>23 He testified to an examination in the</p> <p>24 observation room.</p> <p>25 My question is, not that these things</p>
<p style="text-align: right;">Page 110</p> <p>1 I want to know, is that his testimony?</p> <p>2 A I didn't finish my sentence.</p> <p>3 Q I said yes or no, he said yes or no, so</p> <p>4 you finished it.</p> <p>5 MR. PERAKIS: If he needs to</p> <p>6 explain his answer, yes or no, he needs</p> <p>7 to explain it and you are willing to</p> <p>8 allow him to do it an hour and a half</p> <p>9 ago.</p> <p>10 Q I don't want to drag that out.</p> <p>11 Say whatever you want to say.</p> <p>12 A On June 24th, he wrote that the visit</p> <p>13 occurred on June 23rd.</p> <p>14 Q Correct, he testified differently,</p> <p>15 correct?</p> <p>16 A That is correct.</p> <p>17 Q And Michael Bey-Shelley testified on</p> <p>18 the 17th, the doctor saw him, correct?</p> <p>19 A That is correct.</p> <p>20 Q So referring to page 66, what proof is</p> <p>21 there that Dr. Sherman made a choice to ignore</p> <p>22 Mr. Stojcevski, altered consciousness.</p> <p>23 Please state the date and the</p> <p>24 circumstances that Dr. Sherman made the choice to</p> <p>25 ignore altered consciousness.</p>	<p style="text-align: right;">Page 112</p> <p>1 were reported what is your evidence he ignored</p> <p>2 them. He testified he examined the patient.</p> <p>3 A He didn't testify as to the nature of</p> <p>4 his examination.</p> <p>5 He did to.</p> <p>6 Did you read his transcript?</p> <p>7 A I did.</p> <p>8 Q He didn't say what he did?</p> <p>9 A He didn't do the kind of evaluation,</p> <p>10 that I would have expected him to do under the</p> <p>11 circumstances.</p> <p>12 Q You are a practicing physician you</p> <p>13 haven't evaluated anybody since 1985?</p> <p>14 A That is also correct. A physical</p> <p>15 examination hasn't changed in more than a hundred</p> <p>16 years.</p> <p>17 Q I don't know whether it has or hasn't.</p> <p>18 Not only have you not done one, you haven't been</p> <p>19 employed as an educator educating or training</p> <p>20 physicians on how to do examinations at least since</p> <p>21 1985, correct?</p> <p>22 A That is correct.</p> <p>23 Q My question to you is, not that these</p> <p>24 things happen.</p> <p>25 My question to you is on the 17th he</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 113–116

<p style="text-align: right;">Page 113</p> <p>1 did do an examination.</p> <p>2 What proof do you have that he ignored</p> <p>3 them, he came to a conclusion, you might not agree</p> <p>4 with them.</p> <p>5 What proof do you have that he ignored</p> <p>6 them?</p> <p>7 A That is my opinion.</p> <p>8 Q And the same question would be, what</p> <p>9 proof is there that Dr. Sherman made a choice to</p> <p>10 ignore Mr. Stojcevski's disturbed cognition.</p> <p>11 Is it your same opinion that you don't</p> <p>12 think he did an adequate enough exam?</p> <p>13 A That is correct.</p> <p>14 Q The same would be with respect to what</p> <p>15 proof is there that Dr. Sherman chose to ignore</p> <p>16 Mr. Stojcevski temors.</p> <p>17 Is it again your opinion that on the</p> <p>18 17th, he didn't do a good enough exam?</p> <p>19 A Well, either that or he just ignored</p> <p>20 the tremors, that he saw.</p> <p>21 Q He testified that he did in fact</p> <p>22 examine those tremors, and did in fact talk to the</p> <p>23 patient and came to the conclusion, he thought the</p> <p>24 patient was fading, right?</p> <p>25 A That is correct.</p>	<p style="text-align: right;">Page 115</p> <p>1 decision, and included in his transcript talking</p> <p>2 about it, that he did not believe that I should put</p> <p>3 him on benzodiazepine protocol, for benzodiazepine</p> <p>4 withdrawal, because sufficient time had lapsed and</p> <p>5 he wasn't in withdrawal.</p> <p>6 That is a conscious choice he made</p> <p>7 though right, Dr. Sherman?</p> <p>8 A He made that in the face of clear,</p> <p>9 either delusion or delirium, with the statements</p> <p>10 about the arms and the heart.</p> <p>11 Q That is your opinion.</p> <p>12 My question is not your opinion as a</p> <p>13 physician, because frankly, I am not very</p> <p>14 interested in that opinion.</p> <p>15 I don't think you are qualified to give</p> <p>16 that opinion.</p> <p>17 But, in this particular case, the only</p> <p>18 thing I am trying to say to you, is you say he</p> <p>19 deliberately ignored him.</p> <p>20 He took the information in.</p> <p>21 He didn't do with it, what you thought</p> <p>22 should have done, didn't ignore it. Took it in and</p> <p>23 chose to use it or not use it, he considered it, in</p> <p>24 fact his deposition says he considered it?</p> <p>25 A That is my opinion.</p>
<p style="text-align: right;">Page 114</p> <p>1 Q So he considered them, he came to a</p> <p>2 different conclusion then you might want him to</p> <p>3 come to, but he considered them and came to a</p> <p>4 conclusion, right?</p> <p>5 A Correct.</p> <p>6 Q Now, the next one is what proof is</p> <p>7 there that Dr. Sherman made a choice to ignore</p> <p>8 Mr. Stojcevski's history of benzodiazepine</p> <p>9 medication?</p> <p>10 A He didn't treat him in the face of a</p> <p>11 history, and physical and signs, and symptoms of</p> <p>12 benzodiazepine withdrawal.</p> <p>13 Q I assume, you are speaking of the 18th</p> <p>14 now, when Ms. Cueny called him?</p> <p>15 A Yes.</p> <p>16 Q That would have been the only time he</p> <p>17 learned about this?</p> <p>18 A That is correct.</p> <p>19 Q You would agree with me that Ms. Cueny</p> <p>20 called him, relayed her information to him, which</p> <p>21 included the Xanax and Klonopin, the other</p> <p>22 information about the things in the records about</p> <p>23 his organs and those kind of things.</p> <p>24 What evidence is there that Dr. Sherman</p> <p>25 ignored them; I know he made a conscious medical</p>	<p style="text-align: right;">Page 116</p> <p>1 Q Do you agree that in his deposition he</p> <p>2 said he considered it and decided that he didn't</p> <p>3 believe he should be on benzodiazepine withdrawal?</p> <p>4 A Yes.</p> <p>5 Q So what evidence do you have? You said</p> <p>6 that you read Dr. Sherman's deposition, where is it</p> <p>7 that you have the evidence that he precisely</p> <p>8 intended to not do a mental status examination,</p> <p>9 when he said that he did one?</p> <p>10 A In order to answer that question, I</p> <p>11 would have to look at the deposition. If you could</p> <p>12 direct me, I would be happy to do that.</p> <p>13 MR. CHAPMAN: Let the record</p> <p>14 reflect that Mr. Perakis is helping the</p> <p>15 doctor. I don't believe, he can. It is</p> <p>16 inappropriate in a deposition for him to</p> <p>17 be directing him and helping him.</p> <p>18 MR. PERAKIS: Looking for a</p> <p>19 deposition transcript.</p> <p>20 MR. CHAPMAN: I don't know what</p> <p>21 you are doing.</p> <p>22 You have been guiding him and</p> <p>23 trying to get him to testify your way</p> <p>24 all along.</p> <p>25 I don't think you should be able</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 117–120

<p style="text-align: right;">Page 117</p> <p>1 to help him or guide him, he knows how</p> <p>2 to use a Mac that is what he said, he</p> <p>3 can find it.</p> <p>4 (A break was taken at 12:35 p.m.)</p> <p>5 (The deposition resumed at 12:46</p> <p>6 p.m.)</p> <p>7 Q Sir, referring to specifically to</p> <p>8 paragraph 71, of the report. I want to ask you a</p> <p>9 couple of questions.</p> <p>10 If you want to look at it, feel free to</p> <p>11 and tell me when you have looked at it.</p> <p>12 A Okay.</p> <p>13 Q I assume you read all or at least some</p> <p>14 of the health care defendant's transcripts?</p> <p>15 A Yes.</p> <p>16 Q Every one of the health care persons</p> <p>17 that testified said that they were aware of the</p> <p>18 guidelines for withdrawal, correct?</p> <p>19 You were questioned by Mr. Perakis?</p> <p>20 A I recall, that they testified they were</p> <p>21 aware of the risks of withdrawal. I just don't</p> <p>22 recall one way or the other about their awareness</p> <p>23 of the guidelines.</p> <p>24 Q What about the hunger strike CCS,</p> <p>25 hunger strike policy.</p>	<p style="text-align: right;">Page 119</p> <p>1 example, Ms. Brock.</p> <p>2 She was aware of the mental health</p> <p>3 policies, correct, you testified she was, nobody</p> <p>4 questioned her and she said I wasn't aware of</p> <p>5 whatever it was, I was questioned on, right?</p> <p>6 A She testified to that.</p> <p>7 Q She testified that she was not a</p> <p>8 medical doctor, and she didn't make medical</p> <p>9 decisions, right?</p> <p>10 A Yes.</p> <p>11 Q If she felt that if somebody needed</p> <p>12 medical determination, refer that to medical?</p> <p>13 A Yes.</p> <p>14 Q On the 18th she referred it to Monica</p> <p>15 Cueny. She personally asked if Monica, could see</p> <p>16 the patient, correct?</p> <p>17 A Yes.</p> <p>18 Q She said that her job was to determine</p> <p>19 whether or not Mr. Stojcevski needed to remain on</p> <p>20 suicide watch, or not that was her primary job,</p> <p>21 right she testified to?</p> <p>22 A That was her understanding, but I mean</p> <p>23 that was her understanding, but that is the face of</p> <p>24 no information that suggests he was ever suicidal.</p> <p>25 Q He was put on suicide watch by Officer</p>
<p style="text-align: right;">Page 118</p> <p>1 Can you testify they were aware of</p> <p>2 that?</p> <p>3 A I just don't recall.</p> <p>4 Q What about the mental health care, the</p> <p>5 mental health staff testified that they were aware</p> <p>6 of this duty with respect to suicide watch,</p> <p>7 correct?</p> <p>8 A I don't recall.</p> <p>9 Q Well, I need to explore, 75.</p> <p>10 You say here, that CCS failed to train</p> <p>11 and supervise, so all of the CCS employees said</p> <p>12 that they were aware of these policies, they were</p> <p>13 trained on them.</p> <p>14 They knew the policies.</p> <p>15 Where was it that you had information</p> <p>16 that CCS failed to train and supervise, that is</p> <p>17 different, somebody didn't follow a policy?</p> <p>18 A Well, they didn't, if CCS handled,</p> <p>19 failed to train and supervise, then that would say</p> <p>20 that this behavior by all these people was</p> <p>21 intentional, and but I am not testifying to that</p> <p>22 but that would be the only other logical</p> <p>23 conclusion.</p> <p>24 Q Well -- let's explore that.</p> <p>25 Let's take for example let's take for</p>	<p style="text-align: right;">Page 120</p> <p>1 Campo, correct?</p> <p>2 A I don't recall who put her on suicide</p> <p>3 watch.</p> <p>4 Q Let's assume he was placed on suicide</p> <p>5 watch, you have worked enough in jails, I believe</p> <p>6 once somebody takes the step to place somebody on</p> <p>7 suicide watch, you now can't just arbitrarily</p> <p>8 remove the person from suicide watch, somebody has</p> <p>9 to. The mental health or physician or a nurse,</p> <p>10 some learned person in the health care arena, has</p> <p>11 to make the determination this person is no longer</p> <p>12 suicidal?</p> <p>13 A That is correct.</p> <p>14 Q If they don't, they are going to open</p> <p>15 themselves up for tremendous liability if 24 hours</p> <p>16 later somebody hangs themselves?</p> <p>17 A Right.</p> <p>18 Q A guard can't take somebody off suicide</p> <p>19 watch they put them on?</p> <p>20 A They shouldn't be able to take them</p> <p>21 off.</p> <p>22 Q Let's assume that the policies in</p> <p>23 Macomb County there is no allegation here, that</p> <p>24 anybody has taken somebody off suicide watch.</p> <p>25 So once somebody with an abundance of</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 121–124

<p style="text-align: right;">Page 121</p> <p>1 caution puts somebody on suicide watch, you need a 2 mental health person now, to attempt to evaluate 3 that person, to see if they can come off suicide 4 watch, right?</p> <p>5 A Correct.</p> <p>6 Q Ms. Brock said she saw that as her 7 primary job, right?</p> <p>8 A Yes, she did.</p> <p>9 Q She went up there every day which was 10 the policy to go see the person once a day, right? 11 Right?</p> <p>12 A Yes.</p> <p>13 Q She went up there once a day, and she 14 would try and communicate. 15 She said, she would knock on the door, 16 beat on the door, to get the person's attention, 17 try to get the person to communicate. 18 She was unable to do that, right?</p> <p>19 A Yes.</p> <p>20 Q She did that on repeatedly, on the 21 21st. 22 She would talk to her?</p> <p>23 A Yes.</p> <p>24 Q He didn't talk to her on the 22nd. I 25 don't know if she was there on the 22nd, but the</p>	<p style="text-align: right;">Page 123</p> <p>1 A Yes.</p> <p>2 Q Let he give you a hypothetical. 3 Let's assume on the 20th, she said you 4 know what, she doesn't talk to me, he looks like a 5 fine young man, I don't think he has any problems 6 take him off suicide watch. 7 The 21st he hangs himself. 8 Do you think Ms. Brock would be in hot 9 water? 10 MR. PERAKIS: Hypothetical.</p> <p>11 A Yes.</p> <p>12 Q So, she has to get some information to 13 determine whether he was is or isn't suicidal, 14 right; she can't take him off without information?</p> <p>15 A Yes, but that is not her only role.</p> <p>16 Q That is what she says her role is. 17 Do you have any information that her 18 role is different from what she says and what 19 Natalie Pacito says her role was?</p> <p>20 A Yes.</p> <p>21 Q What I am looking for is not general, 22 interpretations, working in Pennsylvania, Illinois, 23 and New York and all these other fine places. 24 I want to know from policies or 25 procedures of Macomb County, CCS in particular, is</p>
<p style="text-align: right;">Page 122</p> <p>1 rest of the day she was there, he wouldn't talk to 2 her, or didn't talk to her or failed to communicate 3 whatever word you want to use.</p> <p>4 A I don't believe she was there, all the 5 rest of those days.</p> <p>6 Q I am not assuming she was. 7 She was there some of them, I don't 8 know the exact days. She was there some of the 9 days between the 21st and 27th, right?</p> <p>10 A Certainly not the last three days.</p> <p>11 Q Ms. Brock, I am talking about?</p> <p>12 A I don't recall her being there the last 13 three days.</p> <p>14 Q I believe, you are mistaken but that is 15 not germane to my question. 16 She was actually the one there on June 17 27th, and made another call for a psychiatrist?</p> <p>18 A I have been mistaken.</p> <p>19 Q That is not my issue and that is not 20 germane to my question. 21 For all the times she was there, she 22 would come up, try to communicate with him and for 23 whatever term you want to put on it, communication 24 didn't occur, and in her mind she said I am unable 25 to clear him from being on suicide watch, right?</p>	<p style="text-align: right;">Page 124</p> <p>1 there something you can point me to that says her 2 role was definitely different than what she said 3 her role was?</p> <p>4 A I am talking about her duty as a mental 5 health professional, when she can't intervene 6 constructively, it is her duty to consult a hire 7 level authority, which in her case would be a 8 psychiatrist.</p> <p>9 MR. CHAPMAN: I am not asking for 10 your opinion. I am going move to have 11 that stricken on what the standard of 12 care is or standard of care is for a 13 mental health person. That is not my 14 inquiry.</p> <p>15 Q My inquiry is: She has to get some 16 information before she can clear him from suicide 17 watch, correct?</p> <p>18 A Yes.</p> <p>19 Q Do you know in Macomb County, what are 20 the mechanisms an inmate can utilize in order to 21 obtain medical care?</p> <p>22 A Yes.</p> <p>23 Q One of them is they could fly a kite?</p> <p>24 A Yes.</p> <p>25 Q One of them is they could ask a guard,</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 125–128

<p style="text-align: right;">Page 125</p> <p>1 I need to see medical, correct?</p> <p>2 A Yes, I know what the term kite means.</p> <p>3 I didn't know, it was used in Macomb</p> <p>4 County.</p> <p>5 Q You understood the word kite, basically</p> <p>6 means it is a slip of paper you can say what your</p> <p>7 condition ailment whatever it is, you give it to a</p> <p>8 guard, put it in a slot and the guard takes care of</p> <p>9 it?</p> <p>10 A In modern day historically, it is a</p> <p>11 rolling paper, for cigarettes.</p> <p>12 Q I have seen the transcripts of the</p> <p>13 various depositions. The word kite has been used</p> <p>14 quite a bit.</p> <p>15 A Now, that you mention it, I recall.</p> <p>16 Q You can access medical care by a kite.</p> <p>17 A Yes.</p> <p>18 Q Did you see that every inmate that come</p> <p>19 in the facility is given a handbook, and in the</p> <p>20 handbook it tells them how to access health care,</p> <p>21 do you see that?</p> <p>22 A Yes.</p> <p>23 Q That is pretty good. Most jails do?</p> <p>24 A They do. That works for inmates who</p> <p>25 are not illiterate, or functionally illiterate,</p>	<p style="text-align: right;">Page 127</p> <p>1 Mr. Stojcevski, right?</p> <p>2 A Yes.</p> <p>3 Q And each time those nurses that were</p> <p>4 there on med-pass, look on him basically take his</p> <p>5 vitals.</p> <p>6 Is that your testimony in the record?</p> <p>7 A I don't recall, if it was each time.</p> <p>8 His last vitals were done on as I</p> <p>9 recall on July 21st.</p> <p>10 Q Understand my premises to you though,</p> <p>11 the only time that the nurses after he gets placed</p> <p>12 in high observation see him, is when basically the</p> <p>13 guards or Ms. Brock called medical or saw them on</p> <p>14 med-pass, says you need to see this person or I</p> <p>15 would like you to see this person, right?</p> <p>16 A Right, that is because there is no</p> <p>17 individualized care plan for him.</p> <p>18 Q My question is: That is how he got seen</p> <p>19 by people from basically the 18th to the 27th,</p> <p>20 correct?</p> <p>21 A Well, he wasn't seen by nurses for the</p> <p>22 last days.</p> <p>23 Q I know, you keep focusing on that.</p> <p>24 From the 18th to the 27th, that was the</p> <p>25 method he received medical care. Basically, either</p>
<p style="text-align: right;">Page 126</p> <p>1 which is about half of the inmates.</p> <p>2 Q You are making generalizations.</p> <p>3 You don't know the percentage of</p> <p>4 illiterate inmates in Macomb County, do you?</p> <p>5 A No, that is true much more.</p> <p>6 Q I don't want you to make just</p> <p>7 generalized statements of the nature of things of</p> <p>8 New York and apply them to Macomb County.</p> <p>9 They could be more, better or worse. We</p> <p>10 don't know. I want to know facts, that you know</p> <p>11 about this case.</p> <p>12 So you could do a kite, you can ask a</p> <p>13 guard or you could be perceived by a guard that</p> <p>14 says there is a problem and the guard could call</p> <p>15 medical, right, or a fellow inmate can call</p> <p>16 medical, for you, or yell and say this person needs</p> <p>17 medical?</p> <p>18 A Or a medical health professional or a</p> <p>19 nurse or doctor?</p> <p>20 Q Or somebody that walks by or sees you,</p> <p>21 or can render medical care, correct?</p> <p>22 A Correct.</p> <p>23 Q You agree a number of times where the</p> <p>24 guards said, you know nurse you are here on</p> <p>25 med-pass, I think you should look in on</p>	<p style="text-align: right;">Page 128</p> <p>1 a health care, mental health worker or a guard</p> <p>2 would call medical, or see medical and look at</p> <p>3 Mr. Stojcevski?</p> <p>4 A He didn't receive any medical care.</p> <p>5 Q You are trying to be pejorative with</p> <p>6 me.</p> <p>7 I am asking you the process.</p> <p>8 A I am answering the question.</p> <p>9 You asked me a question that included a</p> <p>10 phrase that said he received medical care.</p> <p>11 That is a distortion of the facts.</p> <p>12 That is his testimony that I am supposed to be</p> <p>13 giving, and I will tell you he did not receive</p> <p>14 medical care.</p> <p>15 Q That is not my question, sir, you are</p> <p>16 being argumentative.</p> <p>17 The process by which he would get</p> <p>18 medical care would be if the guards, or a mental</p> <p>19 health person would see or believe he needed some</p> <p>20 care and call and get somebody, correct?</p> <p>21 A No.</p> <p>22 Q I have another method by which he</p> <p>23 received medical care.</p> <p>24 A He didn't receive medical care. You</p> <p>25 are not listening to me.</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 129–132

<p style="text-align: right;">Page 129</p> <p>1 Q No, no.</p> <p>2 A I would like to finish my sentence.</p> <p>3 Q When a nurse goes up and sees him, that</p> <p>4 is not medical care?</p> <p>5 A Correct.</p> <p>6 Q So, you define medical care to me.</p> <p>7 A Medical care includes, active and</p> <p>8 constructive attention to, evaluation, and</p> <p>9 treatment and includes treatment plan.</p> <p>10 This poor guy, was deteriorating under</p> <p>11 their eyes and they watched him deteriorating, and</p> <p>12 they looked at him, but that is not medical care.</p> <p>13 They didn't get him evaluated, they</p> <p>14 didn't get him hydrated. They didn't check his</p> <p>15 weight. They didn't address his mentation.</p> <p>16 They didn't deal with his delirium or</p> <p>17 delusions.</p> <p>18 They ignored him. That is not medical</p> <p>19 care.</p> <p>20 Q I am sure you have read multiple</p> <p>21 medical opinions you engage, Ipsum Dickson.</p> <p>22 Basically, you make statements which</p> <p>23 say they are true, because I say they are true.</p> <p>24 You have read those court opinions like</p> <p>25 the Duke's opinions and other opinions from federal</p>	<p style="text-align: right;">Page 131</p> <p>1 medical care?</p> <p>2 A Yes.</p> <p>3 Q So, when the nurses were on the floor,</p> <p>4 and the guards on a number of times all throughout</p> <p>5 their log they would say, hey nurse, could you go</p> <p>6 look at Mr. Stojcevksi. And the nurse would go in</p> <p>7 there. Sometimes give them some water, sometimes</p> <p>8 talk to them, take his vital signs. That is</p> <p>9 medical care; may not be the quality you want it to</p> <p>10 be.</p> <p>11 That is a form of medical care, isn't</p> <p>12 it?</p> <p>13 A It is not the medical care he needed.</p> <p>14 Q I am not asking you that question.</p> <p>15 It is a form of medical care, correct?</p> <p>16 A If you are really.</p> <p>17 Q Yes or no?</p> <p>18 A I can't answer that as a yes or no.</p> <p>19 Q I just want to make the record clear.</p> <p>20 I want to make the record clear.</p> <p>21 You are saying when a guard says "Nurse</p> <p>22 Chapman, can you go see Mr. Stojcevski," I would</p> <p>23 say, "No problem, Joe." I walk in there, and I</p> <p>24 take his vital signs. Vital signs are normal,</p> <p>25 everything is good. You are trying to tell me it</p>
<p style="text-align: right;">Page 130</p> <p>1 courts that have excluded your testimony?</p> <p>2 A Yes.</p> <p>3 Q I don't want you to do that here.</p> <p>4 I am asking you and saying to you, you</p> <p>5 disagree with me or not, but if a nurse gives you</p> <p>6 a pill because it is med-pass.</p> <p>7 That is a form of medical care,</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q If a nurse takes your vital signs, that</p> <p>11 is a form of medical care, correct?</p> <p>12 A No.</p> <p>13 Q Taking vital signs is not a form of</p> <p>14 medical care?</p> <p>15 A It is a part of medical care.</p> <p>16 Q Don't be argumentative with me.</p> <p>17 A I am saying it is a part.</p> <p>18 Q Is talking to a patient saying, "Hey</p> <p>19 John I see you are a little down what is going on</p> <p>20 today, is there something I can do, have a drink of</p> <p>21 water."</p> <p>22 That is part of delivering medical</p> <p>23 care, isn't it?</p> <p>24 A It is part of.</p> <p>25 Q Yes or no, is it part of delivering</p>	<p style="text-align: right;">Page 132</p> <p>1 is not a form of medical care?</p> <p>2 A Not, the form of medical care for him.</p> <p>3 Q Is it a form of medical care, yes or</p> <p>4 no?</p> <p>5 A I can't answer that as a yes or no.</p> <p>6 Q If you can't answer it, how in the heck</p> <p>7 do you expect a guard to ask a nurse, to see a</p> <p>8 patient; answer it.</p> <p>9 A Is that a rhetorical question, I don't</p> <p>10 know.</p> <p>11 Q Now, you tell me.</p> <p>12 A I don't understand your question.</p> <p>13 Q It is very basic.</p> <p>14 A guard says to a nurse, "please see</p> <p>15 this patient."</p> <p>16 The nurse sees the patient, says his</p> <p>17 vital signs are normal.</p> <p>18 How is a guard not to assume that is</p> <p>19 delivering some form of medical care?</p> <p>20 A I can't speak to the mind of a guard.</p> <p>21 MR. CHAPMAN: God bless you.</p> <p>22 I have no further questions.</p> <p>23 EXAMINATION BY</p> <p>24 MS. SWINDLEHURST:</p> <p>25 MS. SWINDLEHURST: We met</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 133–136

<p style="text-align: right;">Page 133</p> <p>1 previously. My name is Cara Swindlehurst</p> <p>2 and I represent the Macomb County</p> <p>3 defendants in this matter.</p> <p>4 I am going to start briefly on</p> <p>5 qualifications as it relates to the</p> <p>6 corrections field. Mr. Chapman has done</p> <p>7 a fine job as it relates to all the</p> <p>8 medical care and opinions with regard to</p> <p>9 that.</p> <p>10 Q Are you certified by the State of</p> <p>11 Michigan, to be a corrections officer or certified</p> <p>12 in any state to be a corrections officer?</p> <p>13 A No.</p> <p>14 Q Have you ever completed any courses in</p> <p>15 the Michigan Sheriffs Training Counsel?</p> <p>16 A No.</p> <p>17 Q Have you ever authored any correctional</p> <p>18 law policy that has been adopted by the Michigan</p> <p>19 Sheriff's Training Counsel?</p> <p>20 A No.</p> <p>21 Q Have you ever authored any policy that</p> <p>22 has been adopted by Michigan Commission on Law</p> <p>23 Enforcement Standards?</p> <p>24 A No.</p> <p>25 Q Have you ever served as faculty at any</p>	<p style="text-align: right;">Page 135</p> <p>1 relates to correctional operations, ever outside</p> <p>2 the scope of health?</p> <p>3 A No.</p> <p>4 Q Today, are you offering an opinion on</p> <p>5 the correctional policies in this case?</p> <p>6 A No.</p> <p>7 Q Are you aware of any deaths in Macomb</p> <p>8 County Jail that allegedly rose out of acute</p> <p>9 withdrawal for current benzo-methadone and opiate</p> <p>10 medications?</p> <p>11 A No.</p> <p>12 Q I know you can't discuss what you did</p> <p>13 do for the DOJ.</p> <p>14 Did you, were you ever asked to look at</p> <p>15 the actions of the correctional officer within</p> <p>16 that?</p> <p>17 A No.</p> <p>18 Q Do you have an individual opinion, you</p> <p>19 stated earlier there are particular CO's that you</p> <p>20 believe did specific actions, incorrect, correct?</p> <p>21 A Correct.</p> <p>22 Q Now, for those specific CO's, and we</p> <p>23 will go through each one of them.</p> <p>24 Can you explain to me exactly what this</p> <p>25 officer, either the act or omission that occurred</p>
<p style="text-align: right;">Page 134</p> <p>1 colleges in the State of Michigan?</p> <p>2 A No.</p> <p>3 Q Have you actually reviewed the training</p> <p>4 records of the various officers in this case?</p> <p>5 A No.</p> <p>6 Q Is it, that you haven't reviewed any of</p> <p>7 their training records?</p> <p>8 A No, I don't recall reviewing them.</p> <p>9 Q Has any state court in Michigan ever</p> <p>10 recognized you as an expert in the field of police</p> <p>11 procedures?</p> <p>12 A State court?</p> <p>13 Q Correct Michigan State Court.</p> <p>14 A No.</p> <p>15 Q Has any state court in Michigan ever</p> <p>16 recognized you as as expert as it relates to</p> <p>17 correctional operations outside the scope of</p> <p>18 health?</p> <p>19 A No.</p> <p>20 Q Has any federal court in the State of</p> <p>21 Michigan ever recognized you as an expert in the</p> <p>22 field of police procedures?</p> <p>23 A No.</p> <p>24 Q Has any federal court in the state of</p> <p>25 Michigan ever recognized you as an expert as it</p>	<p style="text-align: right;">Page 136</p> <p>1 which you think means they were a proximate cause</p> <p>2 of Mr. Stojcevski's death?</p> <p>3 A Yes, could you ask that again?</p> <p>4 Q Absolutely.</p> <p>5 Are you able to point to any individual</p> <p>6 CO's their individual specific acts or omissions</p> <p>7 that led to the proximate cause of Mr. Stojcevski's</p> <p>8 death?</p> <p>9 A No, I could just talk to them in the</p> <p>10 aggregate, excuse me. I can speak to that in the</p> <p>11 aggregate.</p> <p>12 Q That speaks to just the systemic</p> <p>13 generalized action of the whole?</p> <p>14 A Yes, while they recognized that to some</p> <p>15 extent that he needed help, they did not track his</p> <p>16 meals and his fluid intake. They did not initiate</p> <p>17 a hunger strike policy, which would have been</p> <p>18 appropriate. They did not notify their command</p> <p>19 staff that he was not eating or drinking much and</p> <p>20 while one officer did encourage him to drink, it</p> <p>21 clearly wasn't effective. So, they should have</p> <p>22 notified command staff who would hopefully then</p> <p>23 would have worked with health care staff, to get</p> <p>24 him hospitalized.</p> <p>25 Q Okay, have you reviewed the Macomb</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 137-140

<p style="text-align: right;">Page 137</p> <p>1 County Jail policies and procedures?</p> <p>2 A No.</p> <p>3 Q You have no opinion on those policies</p> <p>4 and procedures?</p> <p>5 A Correct.</p> <p>6 Q You did mention the hunger strike</p> <p>7 policy, previously.</p> <p>8 Were you referring to the Macomb County</p> <p>9 Sheriff, hunger strike policy or CCF hunger strike</p> <p>10 policy?</p> <p>11 A I believe, I did review the Macomb</p> <p>12 County Jail hunger strike policy. I was referring</p> <p>13 to that.</p> <p>14 Q As it relates to the Macomb County Jail</p> <p>15 hundred strike policy, did you have any opinions on</p> <p>16 the policy itself?</p> <p>17 A No.</p> <p>18 Q Did you have any problems with the</p> <p>19 policy, itself?</p> <p>20 A Not, that I recall.</p> <p>21 Q Now, you stated that as a whole you</p> <p>22 feel that the officers, it was a systemic issue,</p> <p>23 correct?</p> <p>24 A Yes.</p> <p>25 Q Now, did you ever review the deposition</p>	<p style="text-align: right;">Page 139</p> <p>1 A Yes.</p> <p>2 Q Okay do you happen to recall a case</p> <p>3 that was Clemmons vs. Corrections Corporations of</p> <p>4 America back in 2013.</p> <p>5 A woman's fetus had died in uterus?</p> <p>6 A Yes.</p> <p>7 Q And now, in that deposition do you</p> <p>8 recall whether you stated that was sufficient for</p> <p>9 the corrections staff to contact medical, that more</p> <p>10 could have been done but that was a sufficient step</p> <p>11 for the corrections officer to have taken?</p> <p>12 A I don't recall, but I don't doubt what</p> <p>13 you are, that that might be correct.</p> <p>14 Q So if it was a sufficient step, for the</p> <p>15 corrections officer in that case to contact</p> <p>16 medical, was it also a sufficient step here?</p> <p>17 A No, I don't think so because this</p> <p>18 gentleman was morbid.</p> <p>19 Q He was what?</p> <p>20 A He was dying.</p> <p>21 Q Wasn't the fetus also dying?</p> <p>22 A The fetus was dying but -- -- the</p> <p>23 problem there, as I recall was the transportation,</p> <p>24 problem, that is my recollection.</p> <p>25 Q Okay, and let me try to refresh your</p>
<p style="text-align: right;">Page 138</p> <p>1 transcript of all the officers?</p> <p>2 A I know, I read at least one.</p> <p>3 Q Would that be I believe in your report,</p> <p>4 number 72 it states that you relied on the</p> <p>5 testimony of CO Harrison?</p> <p>6 A Yes.</p> <p>7 Q Did you rely on any other testimony in</p> <p>8 arriving at your conclusions, as it relates to the</p> <p>9 CO officer any other CO testimony?</p> <p>10 A No.</p> <p>11 Q Okay, so to the extent that the</p> <p>12 deposition transcript, of those other CO officers,</p> <p>13 included statements where the officer contacted</p> <p>14 medical with concerns, you wouldn't have any reason</p> <p>15 to dispute that?</p> <p>16 A Correct.</p> <p>17 Q And earlier you started to speak on</p> <p>18 this a little bit, to the extent that those</p> <p>19 officers did contact medical, would that be a</p> <p>20 sufficient step for Mr. Stojcevski's well being?</p> <p>21 A Of that, those were good steps, but not</p> <p>22 sufficient.</p> <p>23 Q Okay. Have you testified regarding this</p> <p>24 type of, whether it was sufficient enough to call</p> <p>25 medical, in the past?</p>	<p style="text-align: right;">Page 140</p> <p>1 recollection on this case a little bit more, and</p> <p>2 you can correct me if I am wrong.</p> <p>3 On this particular case, there were</p> <p>4 instances where Ms. Clemmons was seen bleeding and</p> <p>5 the corrections officer asked one of the nurses to</p> <p>6 look at it and the nurse in fact ignored that</p> <p>7 request, and that went on for a couple of hours,</p> <p>8 and then there was a transportation issue you are</p> <p>9 discussing.</p> <p>10 Does that refresh your recollection a</p> <p>11 little bit more?</p> <p>12 A Yes.</p> <p>13 Q And so in that particular case, the</p> <p>14 corrections officer had notified the nurse and the</p> <p>15 nurse made a conscious decision not to take any</p> <p>16 steps, okay?</p> <p>17 A Yes.</p> <p>18 Q And you had stated that perhaps the</p> <p>19 corrections officer could have gone up the ladder;</p> <p>20 but their steps were in fact sufficient merely</p> <p>21 reporting it to medical?</p> <p>22 A Yes, and what is different about this</p> <p>23 case from that case in Tennessee, was that this</p> <p>24 went on for day after day after day, and then I</p> <p>25 think would have, should have resulted in</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 141-144

<p style="text-align: right;">Page 141</p> <p>1 notification of command staff, to take a look and</p> <p>2 do something about it with the health care staff</p> <p>3 who of course are accountable to the county.</p> <p>4 Q You have stated that you in fact only</p> <p>5 reviewed Sgt. Harrison's deposition transcripts.</p> <p>6 Do you have any knowledge, whether or</p> <p>7 not command was notified by any of the other</p> <p>8 officers, if they testified to that in their</p> <p>9 deposition?</p> <p>10 A I don't know.</p> <p>11 Q Okay.</p> <p>12 As we have already discussed we</p> <p>13 actually can't point to any action, within each</p> <p>14 individual officer that someone did something</p> <p>15 incorrect?</p> <p>16 A That is correct.</p> <p>17 Q Okay.</p> <p>18 MR. PERAKIS: Form and foundation.</p> <p>19 MR. CHAPMAN: Do not testify for</p> <p>20 the witness; form and foundation.</p> <p>21 Q You stated earlier when you read the</p> <p>22 names you did not in fact make an opinion as to</p> <p>23 Sheriff Wickersham.</p> <p>24 Is that to mean Sheriff Wickersham, you</p> <p>25 do not have an opinion?</p>	<p style="text-align: right;">Page 143</p> <p>1 A That is a semantic, but yes, the</p> <p>2 sheriff is accountable in my opinion.</p> <p>3 Q Anyone else who you think is</p> <p>4 accountable for Mr. Stojcevski's death?</p> <p>5 A The jail administrator.</p> <p>6 Q Do you have any knowledge or</p> <p>7 information that Sheriff Wickersham had any</p> <p>8 individual involvement with David Stojcevski?</p> <p>9 A I do not.</p> <p>10 Q Do you have any knowledge or</p> <p>11 information that the jail administrator Michelle</p> <p>12 Sanborn, had any individual knowledge or</p> <p>13 interactions with Mr. Stojcevski?</p> <p>14 A If she didn't she should have but the</p> <p>15 answer is no.</p> <p>16 Q Have you reviewed Sheriff Wickersham's</p> <p>17 deposition testimony?</p> <p>18 A I don't recall.</p> <p>19 Q Do you know if you reviewed --</p> <p>20 actually, Michelle Sanborn hasn't been taken yet,</p> <p>21 so.</p> <p>22 As it relates to David Stojcevski's</p> <p>23 alleged weight loss while he was in jail.</p> <p>24 What records are you relying on for</p> <p>25 this opinion?</p>
<p style="text-align: right;">Page 142</p> <p>1 A I was asked about the correction</p> <p>2 officer, not asked about the Sheriff.</p> <p>3 Q Is there anyone on the corrections side</p> <p>4 of it other than the correctional officers you have</p> <p>5 mentioned previously, that you think had a specific</p> <p>6 actions or omissions had a proximate cause on Mr.</p> <p>7 Stojcevski's death?</p> <p>8 A If you are counting the sheriff, I</p> <p>9 don't count the Sheriff as the corrections side.</p> <p>10 I count the sheriff as the boss, but if</p> <p>11 the sheriff is definitely accountable for the</p> <p>12 medical care in the facility and for oversight of</p> <p>13 the medical care to assure that the providers of</p> <p>14 care, the health service administrator, the</p> <p>15 director of nursing physician, follow the policies</p> <p>16 and procedures that are approved by the sheriff.</p> <p>17 In that sense, I would hold the sheriff</p> <p>18 accountable.</p> <p>19 Q Just to clarify. I picture anything I</p> <p>20 think corrections is anyone that works for Macomb</p> <p>21 County Sheriff's Department?</p> <p>22 A Including contracted contractors.</p> <p>23 Q No, that is a separate contract.</p> <p>24 I am saying specifically their employer</p> <p>25 is the Macomb County Sheriff's Department.</p>	<p style="text-align: right;">Page 144</p> <p>1 A The intake weight that was recorded and</p> <p>2 the weight recorded by the medical examiner.</p> <p>3 Q Do you have any knowledge, or</p> <p>4 information that that intake weight was in fact</p> <p>5 accurate or that a scale was ever used?</p> <p>6 A I recall, someone saying or telling me</p> <p>7 or reading that they didn't even have a scale, but</p> <p>8 so the answer is no I have no idea if it was</p> <p>9 accurate but it was clear to me that he was losing</p> <p>10 weight, as time went on.</p> <p>11 Q How is it clear to you?</p> <p>12 A From the video.</p> <p>13 Q That you can't talk about?</p> <p>14 A I can't talk about what I told the FBI,</p> <p>15 and I can't talk about what the FBI told me, or</p> <p>16 asked me.</p> <p>17 Q But you didn't specifically review the</p> <p>18 video for this case, is that correct?</p> <p>19 A I don't how to answer it.</p> <p>20 I reviewed the video of the events</p> <p>21 surrounding the medical care and the death of this</p> <p>22 individual.</p> <p>23 Q After you were retained by Mr. Perakis'</p> <p>24 firm, did you ever review the video again?</p> <p>25 A No.</p>

GREIFINGER, M.D., ROBERT

04/04/2018

Pages 145–148

Page 145		Page 147	
1	Q You relied on your prior knowledge, is	1	
2	that correct?	2	
3	A Yes.	3	I N D E X
4	MS. SWINDLEHURST: I don't have	4	
5	anything further.	5	WITNESS EXAMINATION BY PAGE
6	MR. CHAPMAN: Mr. Perakis, do you	6	Robert Greifinger, M.D Mr. Chapman 3, 145
7	have a follow-up or two?	7	Ms. Swindlehurst 132
8	MR. PERAKIS: No.	8	
9	FURTHER EXAMINATION BY	9	E X H I B I T S
10	MR. CHAPMAN:	10	
11	MR. CHAPMAN: I have a follow up	11	Stojcevski DESCRIPTION PAGE
12	question or two.	12	1 CCS Medical Records. 146
13	Q I tried to question you regarding this	13	Pages 1 -51
14	video including what speed you watched, how much	14	2 Flash Drive. 146
15	you watched. You told me you were unable to talk	15	
16	about it.	16	(Exhibit 2 retained by counsel.)
17	That is still your testimony, correct?	17	R E Q U E S T E D I N F O R M A T I O N
18	A Yes.	18	
19	MR. CHAPMAN: I would like to mark	19	DESCRIPTION PAGE
20	David Stojcevski's CCS medical records	20	
21	pages, 1 through 51, as exhibit 1, and	21	
22	then we have a flash drive that Dr.	22	R U L I N G S
23	Greifinger has testified, these are the	23	PAGE
24	records he has reviewed for Mr. Perakis.	24	
25	We can mark this as exhibit two, and	25	

Page 146		Page 148	
1	then I think Mr. Perakis, has kindly	1	C E R T I F I C A T E
2	agreed to make three flash drives, exact	2	STATE OF NEW YORK)
3	copies of this, and send one to Mr.) ss.:
4	Gazall, one to Cara, and one to myself.	3	COUNTY OF NEW YORK)
5	MR. PERAKIS: Thank you.	4	
6	(Marked for Identification,	5	I, SHEA SORENSEN, a Notary Public in and
7	Stojcevski's Exhibit 1, CCS Medical	6	for the County of New York, State of New York, do
8	Records, pages 1 to 51, dated April 4,	7	hereby certify that the foregoing examination of
9	2018.)	8	DR. ROBERT GREIFINGER, was taken on the 4th day of
10	(Marked for Identification,	9	April 2018 pursuant to Order and recorded
11	Stojcevski's Exhibit 2, Flash Drive,	10	stenographically by me; and that the foregoing
12	dated April 4, 2018.)	11	examination is a correct and accurate transcript
13	(Time noted: 1:30 p.m.)	12	of my stenographic notes.
14		13	I further certify that the witness was
15		14	duly sworn by me, prior to testifying, to tell
16		15	the truth, the whole truth, and nothing but the
	DR. ROBERT GREIFINGER	16	truth.
17		17	I further certify that I am not an
18		18	attorney or counsel for any parties or any of the
19		19	attorneys in this action, and that I am not
20		20	financially interested in this action.
21		21	IN WITNESS WHEREOF, I have hereunto set
22		22	my hand this 4th day of April, 2018.
23		23	
24			SHEA SORENSEN
25		24	
		25	